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TESTIMONY OF SAMUEL K. SKINNER

HEARING

BEFORE THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

FIRST SESSION

TO RECEIVE TESTIMONY FROM SAMUEL K. SKINNER, SECRETARY-DESIGNATE, DEPARTMENT OF TRANSPORTATION

JANUARY 26, 1989

Printed for the use of the
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TESTIMONY OF SAMUEL K. SKINNER

THURSDAY, JANUARY 26, 1989

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC.

The committee met, pursuant to notice, at 9:34 a.m., in room 406, Dirksen Senate Office Building, Hon. Quentin N. Burdick (chairman of the committee) presiding.

Present: Senators Burdick, Chafee, Simpson, Symms, Durenberger, Humphrey, Jeffords, Baucus, Lautenberg, Breaux, Reid, Graham, and Lieberman.

OPENING STATEMENT OF HON. QUENTIN N. BURDICK, U.S. SENATOR FROM THE STATE OF NORTH DAKOTA

Senator BURDICK. The Committee is holding its first meeting of the 101st Congress today to receive testimony from Samuel K. Skinner, Secretary-Designate for the Department of Transportation. Mr. Skinner's views are of considerable interest to the Committee given its jurisdiction over the Federal-aid highway program and oversight responsibilities for the Federal Highway Administration.

To put things in perspective, FHWA constitutes around half of the DOT budget and over half of the spending this Committee oversees. While the Commerce, Science, and Transportation Committee held a confirmation hearing yesterday with the Secretary-Designate and has jurisdiction in reporting his nomination to the Senate, Mr. Skinner has very kindly agreed to back-to-back hearings so that we can focus on highway and related transportation issues with him today. Once a decision has been reached on who will be nominated to head FHWA, this Committee will reassemble to consider that nomination, of course.

The highway program is one of the largest and most successful of all Federal programs; it is based on a long-standing and solid Federal-State partnership. Our system of roads and bridges provides an essential service moving people and goods around this great Nation. The Highway Trust Fund has proved to be a superb financing tool channeling revenues from highway user taxes toward highway improvements. There are no deficits, no budget imbalances, no drain on the General Fund with this program—it pays for itself and it always has.

That is why many of us are so concerned about efforts to divert critically needed highway funding to other modes or to make cuts in authorized spending levels or, even more seriously, to turn the Highway Trust Fund into a cash cow for budget deficit reduction.

Let me emphasize that even by the Administration's own forecast, we need to spend from $26 billion to $31 billion annually just to maintain the current physical condition and operating conditions on our highway system at 1985 levels of service. In the near future, according to FHWA, the annual cost will rise to almost $40 billion. And those figures don't include needed investments in local roads which the American Association of State Highway and Transportation Officials estimates at up to $60 billion a year.

While budgetary matters seem to be of overriding importance right now, there are many other pressing highway issues—from rural transportation needs to highway safety to determining the appropriate Federal role in the post-Interstate era. The highway program is now nearly halfway through its latest reauthorization cycle. It is my earnest hope that this time as new reauthorization legislation is developed, Congress and the Administration can work together in shaping the best possible transportation policy for the 1990s and beyond.

In closing, let me underscore the significance of highway travel. The vast majority of travel from city to city, in urban and rural areas, for commuting purposes and goods movement is by highways. While there are many other modes of transportation for which the DOT Secretary has significant responsibilities, a well-maintained highway and bridge system is of most importance to the greatest number of Americans.

It is a pleasure to welcome you, Mr. Skinner, and I look forward to hearing your testimony.

Senator Chafee.

OPENING STATEMENT OF HON. JOHN H. CHAFEE, U.S. SENATOR FROM THE STATE OF RHODE ISLAND

Senator CHAFEE. Mr. Chairman, members of the Committee, I know we will be holding our organization meeting soon, but, this being our first meeting, I would like to take this opportunity to say how delighted I am to be here and how much I am looking forward to working with our Chairman, Senator Burdick and the other members of the Committee.

This Committee has always taken a keen interest in the Federal highway program. Our Chairman has been long involved in efforts to assure that the program works smoothly and efficiently—and that is to be expected since North Dakota has more Federal highways per capita than any other State in the Union. Senator Symms has also been an active leader in Federal highway legislation.

I want to join with you, Mr. Chairman, in welcoming Mr. Skinner to the Committee today. We appreciate your willingness to meet with us and give us an opportunity to discuss transportation issues with you.

This Committee's primary interest is focused on the Federal-aid highway program over which we have jurisdiction. It is a large program funded at over $13 billion per year and it affects every State and locality in our Nation. Every citizen has, most likely, at one time or another used the road system in this country and for many it is a daily encounter.

While this Committee is concerned with the highway program, we are also the Environment Committee and have oversight responsibility for environmental laws. There are many areas where transportation and the environment intersect and there will be more in the future. For example, cars, trucks and buses contribute to our air pollution and cities may have to consider various transportation controls in order to meet air quality requirements. There is a growing concern over the diminishing acres of wetlands in this country. Building new highways often impacts wetlands. I hope you will work with us in assuring that the Federal-aid highway program is managed in a way that protects our environment.

The other issue I look forward to exploring with you is that of safety. Close to 50,000 people per year are being killed on our highways. People would not tolerate that number if it happened in a plane crash or a ship accident. And I do not think we should tolerate it on our highways. We know seat belts and motorcycle helmets save lives. We know keeping drunk and drugged drivers off the roads save lives. I hope we can do something to greatly improve our fatality and injury statistics. These highway accidents are a tremendous cost to society in grief and suffering and there is also a growing economic cost.

Mr. Skinner, you are undertaking a job with great challenges. Your background and experience will serve you well in this task, and I look forward to working with you.

Thank you, Mr. Chairman.

Senator BURDICK. My friend from Minnesota.

OPENING STATEMENT OF HON. DAVE DURENBERGER, U.S. SENATOR FROM THE STATE OF MINNESOTA

Senator DURENBERGER. Thank you, Mr. Chairman.

It is a pleasure to be here for the first meeting of the committee with you and the ranking member, and I look forward to a very interesting and exciting 101st Congress.

I join in welcoming Sam Skinner. I do not know Sam well, but I have the feeling, after knowing him a little bit, that we are all going to know him really well, very quickly. I think that is not only a compliment to him but to President Bush—his choice of someone with whom he has had a relationship over a period of time and the confidence that he has in his designee.

Mr. Skinner, I do not want to ask any specific questions, but I wonder if it would not be appropriate if I could just ask one question, because I need to excuse myself.

Would that be appropriate, or is this just for opening statements?

Senator BURDICK. Just one.

Senator DURENBERGER. Basically, and it is a more "where you come from" kind of question.

One of our colleagues on the Democratic side of this committee has provided a lot of leadership on the issue of infrastructure. While we have paid it a lot of attention, nobody else seems to have paid it a great deal of attention. It is not even on the front page of Time magazine any more like it was four or five years ago. Pat Moynihan has asked a lot of people to come in here and talk about the decaying infrastructure in this country, a good part of which is

in transportation. But a lot of it is in water works and sewage treatment and hazardous waste disposal. All of my State's hazardous waste comes to your State and gets dumped some place, but one of these days Jim Thompson is going to do what the Governor of South Carolina did and issue an edict to close the borders. I just wondered in a philosphic sense, "where you come from," if you might comment briefly about your feelings on the infrastructure in this country and the role that you believe that your area of responsibility in making recommendations to us might make some contributions in the future.

Mr. SKINNER. Yes, Senator, thank you.

In 1984, the Governor of the State of Illinois asked me to assume responsibility in northern Illinois for mass transportation which was in a serious financial predicament and had been in somewhat chaotic condition for a number of years.

One of the first things I did when taking over the chairmanship of that second largest mass transit system in the country was to begin to deal with two problems.

Number one, the day-to-day operating problems which primarily dealt with some reforms in some financial procedures and to put the system on a sound operating basis.

Then, number two, I quickly recognized, as I am sure some other people did throughout the country, that the transportation infrastructure of mass transport in northern Illinois had not been addressed.

Over the last three years we have developed a strategic plan for mass transit in northern Illinois and I think it is probably the most comprehensive plan of any mass transit system in the country. It was developed with engineers, with industry, and with consultants working with the various service boards within our system.

For the last two years, we have been trying to demonstrate to the public and to the Illinois General Assembly the need for State and local funding for the first phase of that multiphase infrastructure program. I am hopeful that this year will be the year that the General Assembly will address that problem and put the first phase into operation.

It became quite clear to me as I went through that process that the infrastructure needs of our Nation are not limited to just mass transit. They are throughout the country. They are in all modes of transportation. They are in all major cities, especially the older cities of this country.

Our bridges in this country are in serious condition.

Infrastructure, as you correctly point out, is not exciting. It is just, you know, the basic ingredients of a sound transportation system.

I pledged yesterday before the Commerce Committee that one of our top priorities will be the development of a national transportation policy and a linchpin of that policy will be to identify and then move forward on an infrastructure rebuilding program across all modes. That's where I stand. My record, I think, in northern Illinois shows I recognize infrastructure needs and am able to put a plan into place and hopefully to replace it. I hope to take that knowledge which I admit is on a much smaller scale and put it to work at the Federal level on the infrastructure problem.

Senator DURENBERGER. Thank you, Mr. Chairman.
Senator BURDICK. Senator Lautenberg.

OPENING STATEMENT OF HON. FRANK R. LAUTENBERG, U.S. SENATOR FROM THE STATE OF NEW JERSEY

Senator LAUTENBERG. I, too, want to join our colleagues in welcoming Mr. Skinner to what I think will be the first of many appearances before this committee and the Transportation Subcommittee of the Appropriations committee, which I chair.

As discussed when we last met, I see transportation as a key ingredient in the future of our country, both from the standpoint of the economy as well as the quality of life. If we cannot move people and goods, we cannot move this country forward. The infrastructure reference that we just heard is one that commands great attention. It is falling down around us and you have been warned about an infrastructure failure that has resulted in Federal disinvestment. It has been estimated that we have a shortfall of as much as $70 billion a year in infrastructure spending.

Shortsighted policies played no small part in that legacy. Unless that is reversed, we face even bigger problems. Our infrastructure is our foundation. In my view, if it crumbles so will the cities and the economies that are built upon it. We want to work with you to turn things around.

Over the course of the next few years we are going to be looking at how we can address this macro problem—how we build new roads and bridges and repair the old ones, how we make airline travel safer and more efficient, how we keep cities from choking on auto exhaust through the better use of transit, how we develop better rail systems in this country. I've been encouraged by your interest in looking at this problem and what seems to me to be a balanced and a constructive way. I look forward to a positive relationship between you and this committee and the entire Congress. You have a formidable task and I look forward to working with you and welcome you here formally.

Mr. SKINNER. Thank you, Senator.
Senator BURDICK. Senator Reid.

OPENING STATEMENT OF HON. HARRY REID, U.S. SENATOR FROM THE STATE OF NEVADA

Senator REID. Mr. Chairman, I have some questions which will come at an appropriate time.

I just want to take this opportunity, as the other members of the committee have, to welcome you here. I am impressed with you and your résumé, but do recognize as you will see from the questions that I have and I am sure that other members have, that you have a burdensome task. I welcome you to this committee and look forward to working with you.

Mr. SKINNER. Thank you.
Senator BURDICK. Mr. Graham.

OPENING STATEMENT OF HON. BOB GRAHAM, U.S. SENATOR FROM THE STATE OF FLORIDA

Senator GRAHAM. Thank you, Mr. Chairman. I do not have a prepared statement, but, rather, a request or recommendation for a point of view.

In your position, it is easy to become overwhelmed with yesterday's problems. Those need to be dealt with. I would suggest that one of the greatest challenges you are going to have is to look futuristically and ask the question of what kind of transportation system the United States of America needs as we enter the 21st century. We have some major challenges.

Our aviation system, as is true in Europe, is getting farther behind in the demands that the public is placing upon it. It is going to take some new creative thinking.

Our traditional ground transportation system is at the conclusion of a major national effort of the interstate system. Where we will go beyond the interstate is another challenge for leadership in the Transportation Department.

The question of new, or what to the United States would be new, technology such as magnetic levitation and other forms of high speed rail transportation will be a third example of the kind of futuristic thinking which the Nation needs from the person who fills your leadership position.

Your résumé indicates that you are comfortable with that kind of visionary responsibility and, with the other members of the committee, I look forward to working with you in turning those visions into reality.

Mr. SKINNER. Thank you.

Senator BURDICK. Senator Lieberman.

OPENING STATEMENT OF HON. JOSEPH I. LIEBERMAN, U.S. SENATOR FROM THE STATE OF CONNECTICUT

Senator LIEBERMAN. Thank you, Mr. Chairman and Mr. Skinner.

Mr. Chairman, may I say at this first meeting that I have been honored to attend as a new member of the United States Senate, how much I look forward to serving on this committee and particularly serving under your leadership.

If I may cite a reference from another culture—in China, they used to talk about quotations from the chairman. I would begin my brief remarks to Mr. Skinner with a quotation of yours which is:

> We have produced a high standard of living, but we are beginning to see cracks in that high standard and a less than adequate infrastructure has been identified as the cause.

Mr. Skinner, I am delighted to have the opportunity to meet with you this morning and I come with some of the same concerns that other members of the committee do. It seems to me that, in part, what we are saying is that after your confirmation you will not only be the Secretary of Transportation but in some substantial measure the secretary of infrastructure. I just wanted to add this one note to all else that has been said about that.

I spent the end of last week and early this week in the hearings of the Governmental Affairs Committee on the nomination of Richard Darman, speaking about the budget deficit and also acknowl-

edging the fact that that deficit is symptomatic of larger problems in our economy, lower savings rate, and a lower productivity rate.

I had occasion a while ago to read an article quoting a source close to you from the Chicago Fed Letter—an economist, David Ashchaur, making a very compelling argument there that there is a remarkable correlation between the rate of productivity growth and public sector non-military infrastructure investment. It comes from the Chicago Fed Letter of September, 1988. His data actually shows that a one percentage point increase of public infrastructure capital brings forth a one-third of a percent rise in productivity. So that parallelling the decline in our productivity rate over the last decade or two decades is a decline in our non-military public infrastructure investment.

So when we are talking about rebuilding the infrastructure we are not just talking about it from a safety point of view or a quality of life point of view, we're also talking about it, if this article is correct and I have no reason to believe that it is not, from the point of view of some of the underlying problems of our economy. I hope that as you go forward as the "Secretary of Infrastructure" you will bear that in mind.

Thank you, Mr. Chairman.

Senator BURDICK. Senator Symms.

OPENING STATEMENT OF HON. STEVE SYMMS, U.S. SENATOR FROM THE STATE OF IDAHO

Senator SYMMS. Thank you very much, Mr. Chairman. I am pleased to be here this morning to welcome the new members to the committee on both sides of the aisle.

Mr. Skinner, I think the President has certainly made a good choice in selecting you. There is no question that you face a very challenging task, but I think you certainly come prepared and with the talent to be a good spokesman for transportation in this country.

I have had the privilege of serving both as the chairman and the ranking member of the subcommittee which includes the highway program. During that time I have heard a lot about our transportation system and have had the opportunity to see many of our transportation facilities on a firsthand basis. I do not think that it could be argued that we do not have the best transportation system in the world and probably Americans are the most mobile people in the world. I think that is a credit to the cooperation we have had; federalism if you will, between the Federal, State, and local governments, and, of course, the strong private sector.

Having said that, I think we have come to a point in our decisionmaking that is critical for the future of the transportation system and mobility of our citizens. Much of our infrastructure has already served more time and more traffic than it was designed to, as you are well aware. It is wearing out.

Travel forecasts show that car and truck travel will increase by an average of two to three percent per year, and it will probably require a capital investment of $35 billion to $40 billion a year just to keep even with where we are currently. This means no improvements. So, coming from a State where highways are so critical, as

we try to get our products from the farms to the markets primarily in the urban areas, most of which goes by truck, it is part of everything the people in my State do and I think that is pretty much true around the country. It is involved in every business in the country, going to work, recreation, food, shelter, national defense, and we simply cannot allow this to weaken.

So I hope that when we get to the question period you will have an opportunity to address the $9 billion surplus that is in the highway trust fund, and I hope that you will be an advocate within the Administration to promote the idea that we are deceiving the taxpayers by taking in dollars that are dedicated to highways and then keeping them on balance to make the budget deficit look better, when in fact it makes the problem worse in the long run.

I really look forward to working with you and wish you the very best of success. It will be a challenging four years for you, and I hope we will be able to be successful to return those dollars back to the States and get on with the program.

Thank you very much, Mr. Chairman.

Senator BURDICK. Senator Humphrey.

OPENING STATEMENT OF HON. GORDON J. HUMPHREY, U.S. SENATOR FROM THE STATE OF NEW HAMPSHIRE

Senator HUMPHREY. Thank you, Mr. Chairman.

Let me pick up on what Senator Symms said. I think it is an important point. We have, as I understand, a surplus of $8.8 billion in the highway trust fund and a surplus of $6.9 billion in the aviation trust fund. If we are going to collect taxes in the name of improving highways and transportation safety, including air safety, then we ought to spend them for those purposes and not impound them. By the way, this is not entirely the fault of the executives, I think that Congress has only been too willing to play this game.

I will ask you what you think about this situation when we get to the questioning period.

Thank you Mr. Chairman.

Senator BURDICK. Senator Jeffords.

OPENING STATEMENT OF HON. JAMES M. JEFFORDS, U.S. SENATOR FROM THE STATE OF VERMONT

Senator JEFFORDS. Thank you, Mr. Chairman.

It is a pleasure to be on this committee, following in the footsteps of my distinguished predecessor, Senator Stafford. Whether I will be able to fill his shoes, only time will tell. I have many of the same interests that he does, and it is a pleasure to be here, especially representing a small State in the northeast corner of the United States, one of the most rural in the country, with serious railroad and road problems. I certainly want to work with you as we try to make sure that all of the country gets some good out of our programs. We will be interested in your work as time goes by. I have heard wonderful reports about you that I have nothing but great hopes for the future.

Mr. SKINNER. Thank you very much.

Senator BURDICK. Senator Breaux.

Senator BREAUX. No statement, Mr. Chairman.

Senator BURDICK. The Senator from Montana.

OPENING STATEMENT OF HON. MAX BAUCUS, U.S. SENATOR FROM THE STATE OF MONTANA

Senator BAUCUS. Thank you, Mr. Chairman.

Mr. Skinner, I just have two basic points to make to you, one somewhat following along with the statement that Senator Symms made on the importance of highways in rural States. As you well know, a lot of us from rural States have talked to you about essential air service and the importance of transportation and airline service in rural States.

I want to make the same point when it comes to highways and highway funding. There are always rumblings that the Administration might attempt to change formulas or change the allocation of highway funds which are disadvantageous to rural States. I wanted to very strongly leave the impression with you that that would be very firmly resisted by many of us from rural States.

My State of Montana is the fifth highest in gasoline tax. We pay over 20 cents a gallon for gasoline tax, and that is to pay for the highways we have in our State. So any formula that takes money away from rural States means even a higher gasoline tax in those rural States, which is obviously unfair when you compare it with the Federal gasoline tax which is today, as you know, about nine cents a gallon. I strongly urge you, within the Administration, to resist efforts to change formulas at the expense of rural States.

The second point goes to, ironically, the environment. I say ironically because it may be that the new Transportation Secretary will in effect make the Administration's first major pronouncement with respect to the environment. That is because of the CAFE standards. Your predecessor, Secretary Burnley, recommended rolling back the CAFE standards from, I think, 27.5 miles per gallons on the corporate fleets, to 26.5 miles per gallon. The effect of that would be to increase the emissions of carbon dioxide and other emissions in the air, which would have an adverse effect on global warming. Each tank of gasoline emits about 400 pounds of carbon dioxide. Each tank, about 400 pounds of carbon dioxide. So, I strongly urge you, when you review that decision which will come to you from the Department of Energy, not to recommend that the CAFE standards be rolled back from 27 and one-half to 26 and one-half miles per gallon.

Thank you, Mr. Chairman.

Senator BURDICK. Mr. Skinner, you're next.

STATEMENT OF SAMUEL K. SKINNER, SECRETARY-DESIGNATE, DEPARTMENT OF TRANSPORTATION

Mr. SKINNER. Thank you very much, Mr. Chairman.

First of all, I want to say what a delight it is to be with you as we start our first meeting of this new Congress. I look forward greatly to working with you as the chairman and, of course, with the other members of the committee.

I have a brief statement, if I can, and then we will get into questions.

Mr. Chairman, and members of the committee, it is a pleasure for me to appear before you this morning on the occasion of my nomination to be the 10th Secretary of Transportation. I am honored that President Bush has asked me to serve in his cabinet and, if confirmed by the Senate, I intend to work very hard to justify his faith in me. I am eager to return full time to public service, and to earn the confidence of the people I will serve.

Mr. Chairman, I will keep my remarks brief, mentioning just a few items of concern to me so that I might answer any questions that you or members of the committee may have.

As Chairman of the Chicago Regional Transportation Authority of Northeastern Illinois, I am aware of many of the challenges in the transportation area. It will not be an easy task to meet our vital, and growing, transportation needs in this time of fiscal restraint. However, I assure you that I will endeavor to work with each of you to find solutions to the problems we face. If confirmed, my principal goal, in consultation with the Congress, the public and industry, will be to develop a national transportation policy that enhances our public security and strengthens our national economy.

Your committee is the architect and conservator of the Federal-aid highway program—one of the most successful public works efforts ever undertaken. It serves as a model for cooperative efforts between the States and the Federal Government. There has been great progress. The Federal interstate system is nearing completion and, because of an increased financial commitment during the 1980s, the decline in our Nation's highways and bridges, has largely been arrested. However, as we all realize, urban congestion is increasing and our rural communities face special transportation needs. A modern, well-maintained infrastructure of highways and bridges is absolutely critical to this country's well being. I am committed to making sure that our investment is preserved.

I am aware that we are approaching an important juncture in this program. Although we do not face reauthorization until 1991, the debate and discussion over the future of the highway program has already begun. You have my pledge to work with you to develop an effective, long range plan to deal with our infrastructure needs into the next century. What is required is a careful and thoughtful examination of the legitimate role of the Federal Government and the States, and new and efficient ways to finance the expanding needs of our Nation's infrastructure to ensure a greater transportation return on every dollar spent. I intend to work with you and the transportation community in this effort.

In the meantime, I am committed to the completion of the interstate highway program. Over the long term, I am—like President Bush—committed to the expenditure of highway trust funds for the purpose for which they were intended, with ultimate expenditure of the balances as we make continued progress on deficit reduction.

I share this committee's great concern over highway safety, and I will make it one of the highest priorities of my tenure as secretary. Safety is dependent on many factors, including highway design, vehicle safety standards and maintenance, driver training, inspections, law enforcement and the elimination of drunk or drugged driving. The President and I are committed to making every effort

we can to rid our Nation's highways of the danger posed by drugged or drunk drivers.

One important area of mutual interest is the national maximum speed limit law. I personally believe that the States are in a better position to evaluate the many factors relative to setting speed limits, such as geographical terrain, weather conditions, traffic congestion, accident statistics and police resources. However, I am aware that the first of three annual reports has just been released on the effect of the increase of the speed limit on rural interstates. I will give careful and thoughtful consideration to this report. I will also dedicate the resources of the department to aid the States in managing their law enforcement resources to better address the danger of excess speed.

I am also very interested in assisting law enforcement efforts to recognize drug-impaired drivers and to remove them from our roadways.

I also share this committee's commitment to protecting our marine environment. The Coast Guard has two major statutory marine environmental protection goals: to respond to oil pollution incidents and prevent accidental discharges through regulation. A patchwork of domestic statutes and international agreements forms the legal basis for the Coast Guard's marine environmental protection programs. I am part of an Administration that has pledged greater attention to environmental protection, so I assure you that I will work with this committee to review the need for stronger measures to strenghten and consolidate oil spill liability and compensation to provide better protection for our environment and a faster system for compensating the victims of oil pollution. I look forward to your guidance and cooperation in this very important effort.

I appreciate the opportunity to appear before the committee and I anxiously await your questions so that I can respond to the best of my ability.

Thank you, Mr. Chairman.

Senator BURDICK. Thank you.

Senator Moynihan is at the Rules Committee and he would appreciate it if I would publicly express his regrets to Mr. Skinner for not attending. I would like to announce that Mr. Moynihan will submit written questions for the record.

Do you have an opening statement, Senator Simpson?

Senator SIMPSON. No, thank you, sir.

I welcome the nominee and I have had the very fine opportunity to meet with him and I think he is going to do an excellent job. I am impressed with his background and his strength of purpose—which he will require in this task.

I might have a question or two but I thank you, Mr. Chairman, for your courtesy.

Senator BURDICK. If there is no objection, we will keep the questioning to five minutes each. If necessary, we will go to a second round and so on until all questions have been asked.

Mr. Skinner, the State of North Dakota is currently demapping some of the local roads because State and local funding is so limited. Those roads are not eligible for Federal funding. Many other rural States are in the same fix. The problem is compounded with

the elimination of many railroad branch lines and the discontinuation of general revenue sharing.

What solution do you see for rural highway and bridge problems in the days ahead?

Mr. SKINNER. Senator, you have identified what is clearly a problem, not only for your State but for virtually every State in the Nation.

As I indicated in response to an earlier question, one of the things that has come to my attention and really surprised me is that as a Federal Government we really have no national transportation policy in place for the long range. I indicated to you earlier that in Illinois that was one of my top priorities. We put a program into place and a plan into place that looks 30 to 50 years out and then we began to talk about the steps necessary to implement that policy and plan. Some State and local governments have done the same thing but I find that at the Federal Government we really do not have that integrated policy.

It is quite clear that our Nation's infrastructure is in need of substantial funding and substantial repair. But before we find ways to solve those problems, we have got to have a policy that lets us look out long range as to what our needs are going to be, identify the short range steps and the areas that need immediate solution and then begin to implement those steps as part of the long range plan. One of my top priorities as Secretary of Transportation will be to develop that national transportation plan. Obviously, highways and bridges, given the role they play in our Nation's transportation system, are going to be an essential and very, very important part of that policy. Once we have identified how big a problem we have, where that problem is, then we can begin to find solutions working with this committee, not only for the rest of this century but into the next century, and not only for your home State but for all 50 States in our country.

Senator BURDICK. On a related rural transportation issue, what are your plans for implementing the essential air service program on which so many small communities depend?

Mr. SKINNER. I have now completed most of my Hill visits. I have talked to most members of the committee. I have not been able to see all of them but I hope to shortly. It is quite clear to me from those visits that essential air service is at the top of many Senators' lists.

I pledged yesterday to work with the Senate and the House in coming up with a solution to maintain the essential air service subsidy level this year and get it back up to what was initially intended. It is quite clear to me that there is sentiment in the House and the Senate for that.

It is also clear to me that a supplemental appropriation or reprogramming bill will pass. The sooner that passes, the better off we are going to be, and I have agreed to advocate strongly to the Administration that when that bill is passed, which I believe it will, that it be signed. I am also anxious to work the House and Senate if I am confirmed in finding the source of these funds if it is going to be a reprogramming. I believe some members of the committee that have expressed their concern are satisfied that the Depart-

ment of Transportation will work in tandem with the House and the Senate in solving this problem.

Senator BURDICK. On that pleasant note, I am going to yield to Senator Chafee.

Senator CHAFEE. Thank you very much, Mr. Chairman.

Let me just say I do not share the enthusiasm the witness has for some of these subsidized airlines, and I will admit I do not come from a rural State, although we have been cut off to some extent in transportation. I would approach that with some caution. I do not want to get in the middle of a large State, small population situation with you. I am bracketed here on each side with tigers on the subject.

I read the other day that one of these subsidized airlines was carrying a passenger a day and that might be of vital service to that passenger but we are in an era of tight funds. We have got to look everywhere—if we bear in mind that the realization that this budget deficit is a whale of a problem. We will leave that for a little later.

Mr. Skinner, there are two issues that I would like to bring up in connection with the greenhouse effect and obviously you know what that is and the problems of global climate change.

The first has to do with the so-called CAFE standards. In other words, the auto mileage standards for the year for the fleet. Now, last year the Secretary of Transportation decided to relax those standards. If anything, I think they should be tightened if we realize, as Senator Baucus pointed out, what the emissions are doing to the atmosphere and the greenhouse effect.

My question to you is pretty straight forward. Do you plan to relax the CAFE standards, like your predecessor did?

Mr. SKINNER. Senator, let me say that it is quite clear from everything that I have seen that the President is committed to a very aggressive program dealing with the environment. Part of the program will obviously include the Department of Transportation working not only with the Department of Energy but with the Environmental Protection Agency on that environmental policy. I would assume that a key ingredient of that is going to be the standards that you mentioned.

I come to the table with a clean slate on that issue. I have never had to make a decision on that issue. I have agreed to look at it from all perspectives but especially with the environmental concerns in mind. I am the President's wing man on transportation issues. I clearly plan to be his wing man on his pledge to protect the environment and I will give serious consideration to environmental concerns when it is appropriate to make such a decision after I have had a chance to look at all of the information that is available. I do promise a clean look at it. I do not consider myself in a position to have prejudged that issue at all.

Senator CHAFEE. I do want to stress that this committee not only deals with the highways but it also is the Environment Committee and I encourage you in your support for President Bush's comments in connection with the environment.

For example, he also has been a vigorous supporter of alternate fuels and thus we get into the ethanol/methanol situation. We have seen some reports that show that using methanol made from

coal will actually increase the carbon dioxide emissions and add to the greenhouse effect. I would be interested in having you take a look at that and reporting back to us your views on that particular problem, if you could.

Mr. SKINNER. Well, I certainly will do—I know that, having watched the President in Illinois, he is strong supporter of gasohol. I would hope that we could look at that. But I know that he is committed to alternative fuels, but he is also committed to the environment. We will look at that as we look at these environmental concerns within transportation.

Senator CHAFEE. It is the methanol——

Mr. SKINNER. I understand, but I did not want to let the ocassion pass without mentioning an Illinois product.

Senator CHAFEE. The last question, Mr. Skinner, deals with protection of the wetlands.

The President has indicated that he wants to pursue a policy of what they call "no net loss." That would involve what we call mitigation; if he is going to destroy some wetlands here, somehow he has to attempt to restore wetlands—which is an extremely difficult and untested solution—on the other side.

There is a recent report from the Interior Department called the Impacts of Federal Programs on Wetlands and I would commend this to you or your staff if they could take a look at that and particularly on pages 31 and 96 they deal with—you got somebody here that——

Mr. SKINNER. Yes sir, I just turned to them.

Senator CHAFEE. He will learn to do that automatically.

Mr. SKINNER. I was pretty quick.

Senator CHAFEE. Pages 31 and 96 of the report deal with the current highway program and conclude that it is a significant part of the problem of diminishing the wetlands. I would appreciate it if your folks would take a look at that and if they could report back to this committee, I would appreciate that also.

Mr. SKINNER. Thank you.

Senator BURDICK. Senator Lautenberg.

Senator LAUTENBERG. Mr. Skinner, you heard the concerns expressed by those from the rural States. I point out to you that the structure of this committee is such that there is, as I quickly think about it, not one New England State without representation here and we get to the Middle Atlantic States, New York and New Jersey, very quickly, so we're talking about a deep concern for the urban centers. Mass transit, obviously, is an intregal part of how we move; maybe not in parts of New Hampshire or Vermont, but the fact is that if you take the region as a whole we are very much concerned about rail service. While our colleagues from the more rural States are placing rural air service on a high priority list, you know from the talks that we've had that mass transit assistance is very important to me. How do you see your advocacy developing vis-a-vis those programs? You come from having had some experience with the transit system.

Mr. SKINNER. I think that if one looks at my background, Senator, they will see that recently I have had a great deal of experience in mass transit and I think I understand the problems of mass transit.

I grew up in the central part of the State of Illinois which is farm land and has a rural setting to it, and, of course, I went to school at the University of Illinois in central Illinois, which is similar. So, I think I am able to identify with some of the problems in the rural area as well as the problems in the metropolitan area. I am on record, as I believe we discussed, that I think in the area of mass transit that it is a partnership between the Federal Government and the local government.

You come from an area in the country, especially in your neighboring State of New York, which has put together a very significant infrastructure rebuilding program funded by State and local government funding in conjunction. They have done an excellent job as you know in New York in rebuilding an infrastructure that was in serious need. That was done as a partnership with the State and with the Federal Government. Both have a role to pay. I think the Federal Government cannot just pull the rug out from underneath mass transit while the local mass transit funding is obtained.

On the other hand, I think we have got to provide incentives and inducements to have the local governments play a significant role and not rely totally on the Federal Government.

I think you will find that I am a proponent of mass transit funding, I am a proponent of State and local share in that mass transit funding, and I am a proponent of coming up with new and innovative ways to fund mass transit infrastructure particularly.

As to Amtrak, I would look forward to the day that this very important system is self-funded. They have done a good job of going from approximately 50 percent to a fare box recovery ratio of 70 percent. As you know from your experience in mass transit, a 70 percent fare box recovery ratio is a good ratio. We are proud of a 50 percent in Chicago which we are now achieving. On the other hand, it is a little different service than urban commuter mass transit and I think we have to do everything we can to get that as self-sufficient as possible. The day that happens, we will have additional resources available to fund the other areas that are of such vital interest to you and to other members of the committee.

As a member of the board of Amtrak, I'm going to be examining all of the alternatives that can be taken to get them self-funded as soon as possible. The previous Administration, as you know, went to OMB, the Department of Transportation did, with a number of about $300 million and that was rejected in terms of no funding.

We don't know quite where the Bush Administration stands, but that's basically where I stand on those two issues.

Senator LAUTENBERG. Self-funding is, I really believe, wishful thinking. The fact is that, and you and I concur on this, at 70 percent they are doing pretty well—coming from a far worse position, not just the ratio of 50 percent, but from a totally bankrupt system to within some modest proportional funding from the Federal Government. They are doing a pretty good job. They could do an even better job if they were able to invest in capital equipment. I just want to be certain that if you say self-funding that that's not a code word for no support. If we withdraw all the subsidy of course they will have to fund themselves.

Mr. SKINNER. Senator, I would only say this. I am going to look for guidance from the Administration on that.

As you know, we have a budget on the Hill now that was prepared by the previous Administration. The new Administration will address that issue shortly. I will examine the department position and deal with that but I am going to have to at some point—we will get some real direction from the Administration on it.

Let me just point out another problem that I think has to be dealt with as part of our national transportation policy and that is the issue of infrastructure within Amtrak. We talk about operating subsidies at the level of approximately $600 million. But, as you know, because you live in that environment and represent the people that use that system, railroad infrastructures also need rebuilding. Mass transit does not have a monopoly on infrastructure. We have to deal and identify long range with the infrastructure problems within Amtrak just as we have to deal with the rest of our Nation's infrastructure and identify that and come up with a program to rebuild that infrastructure. When we do that we can insure that Amtrak will have a future that will go beyond the end of this century. I am pledged to do that.

Senator LAUTENBERG. Thank you, Mr. Chairman.

Senator BURDICK. Senator Simpson.

Senator SIMPSON. Thank you, Mr. Chairman.

Mr. Skinner, I particularly appreciate your sensitivity toward the issue of the speed limit in your remarks. We are in the area of transportation and I think it is very true as, Senator Chafee says, he is bracketed by two Senators who represent small States in population yet huge in expanse, where without adequate highway systems we really lack the necessities of life.

The air service is very poor or nonexistent and interstates are a necessity. I think North Dakota and Wyoming have the largest percentage of interstate highways of any State. We have three in Wyoming. The setting of speed limits in that area, infrastructure rehabilitation, and the issue Senator Chafee speaks of—subsidized essential air service—I think we have to look at carefully. The problem is that whether it is one passenger per day in the air or on Amtrak, it's usually a Congressman who is the one passenger, I find. That makes it difficult, but the abuses within the subsidies of Amtrak are just as abusive as the subsidies within essential air service. So that is something we ought to look at honestly.

I do favor keeping the northeast corridor subsidized with regard to rail service and Amtrak. I have no problem with that. They are carrying a tremendous number of people, but certainly four passengers a day on Amtrak just so you can take your kids in the bubble car once a year is not my idea of economy, nor is one, two, or five passengers a day in a 40 seat aircraft. So, I am ready to help with that but let us realize it is a serious problem all around.

There is another issue that we will address later with regard to tonnage allowances. We have resolved that, at least until the year 1990 or 1991. When it returns again I hope that you will be cognizant of how important that is, for it certainly cannot be lesser in requirement than the States all around us. The Department of Transportation has been very helpful in the past and we appreciate that.

Those are just some things I note, provincial things like we all address here. I look forward to working with you. I surely do and I really don't have any questions. Thank you.

Senator BURDICK. Senator Breaux.

Senator BREAUX. Thank you, Mr. Chairman.

Thank you, Mr. Skinner.

Once again, for the last two days you have been before the Senate Commerce Committee and now the Senate Environment and Public Works Committee and you've heard Senators express to you their wishes, their desires, their needs for their respective States, and also a number of suggestions on how you should run your department. After hearing all of that are you sure you still want this job?

Mr. SKINNER. I think I'm pretty well committed.

Senator BREAUX. Absolute commitment. Well, we're glad that you are here and, as I said yesterday, we are pleased that you are willing to make the sacrifice, and indeed it is, to take the job and we are glad you are willing to do it.

There was a commission last year that made a recommendation that called for doubling the amount the Nation spends on public works each year. Much of that money would go to roads, bridges, highways, and rail systems. That was the commission's recommendation. As a new incoming Secretary of the Transportation Department which would be responsible for overseeing that type of a proposal, what are your general thoughts about the need for building and improvements in the areas that the commission recommends for?

Mr. SKINNER. Well, Senator, it is quite clear that we have begun to educate the American people on infrastructure and the need for increased funding for infrastructure. I do not think that education process is complete.

As I indicated yesterday, infrastructure is not sexy—it doesn't sell, it doesn't go to the front page. We take infrastructure for granted, we take our roads and bridges for granted, and then one day when one collapses, we have a very serious situation which should have been dealt with. It appears to me that when the national transportation policy is developed, it is going to identify some very, very significant capital needs for infrastructure and some additional funding needs. Until we identify how big a problem it is, when that problem really takes hold—in other words what is the timing of that problem—it is hard to predict with any degree of certainty what our fund needs are going to be and when.

I think there has been short range planning in reports like the one you just talked about. I think it is essential that we do not do something short range that is not consistent with our long range. Once we do that, and if we do it across the board with all modes of transportation and if we build consistent support from users across the board as well as State and local officials, then we can create the national consensus necessary to find the funding necessary for that program. That program is obviously going to be tied in closely when the plan is done and when the real authorization bills are up for the various modes. I know that that is at the top of my list of things to do and I look forward to working with Congress on it.

Senator BREAUX. How do we address the problem of huge surpluses that are building up in the user fee program? I think the American people are willing to pay a user fee if the money is being used for its intended purpose. When there are surpluses in the aviation trust fund, surpluses that are rapidly building up in the highway trust fund, people start to question whether they should be paying so much if we are not going to use it. I guess my question really goes to the highway trust fund and do you see a need down the line to expand construction of highways and the repairs of bridges and roads in the system? What are your philosophical thoughts about what we are going to be doing with the highway program?

We had a study authorized last year for extending an interstate segment from Kansas to Shreveport, Louisiana—everybody said that it was feasible and technically doable—but it is not in the program now and as it comes to an end, what are we going to be doing with it in the next decade?

Mr. SKINNER. Well, obviously we really have three trust funds that we are dealing with and each of them has a little different twist to it.

The highway trust fund on a current spending basis—if you forget the balance that has been building up. They have been spending the highway trust fund—I understand at basically a full funding—and the balance has dropped several billion dollars over the last several years.

In many respects, in mass transit, the real problem is that in some cases they cannot design and build some of the projects that are top priority projects as fast as they should.

That is also true in aviation.

So, it runs in parallel.

Number one, we should spend money. We should get as soon as possible into an environment that allows us to spend the money in the trust funds for the purpose for which the money is collected. We should do that consistent with law.

The deficit reduction and budget balancing problem must be solved if we are going to convince OMB to allow us to spend that money to the degree that we want and need to spend it.

That, in effect, is probably not enough. We have to identify as I have indicated to you earlier just what is enough, what is realistic to do, and where we are going to raise that additional funding. The reauthorization bills coming on line, so to speak, for consideration next year will probably be the perfect timing to address that.

In the meantime hopefully the Administration and the Congress will address the deficit and budget balance problem. I am going to do everything that I can to make sure that, to the degree funding is available, it is spent wisely and as efficiently and as quickly as possible.

Senator BREAUX. I have one short comment, Mr. Chairman. Dealing with some of the States with regard to the highway program, prosperity has not reached all of the States and mine is a particular example of where it has not.

We have had trouble maintaining our roads because of the economic situation down there—the lack of funding for the State. One of the procedures of the Federal Highway Administrator is when a

State is not doing the job for whatever reason even if it was because of a lack of money, the penalty is taking away or withholding Federal money. This makes it difficult for the State to ever get back on track to bring the roads and the bridges up to standard. So, I wish, as you take office, to look at that with an understanding of the fact that the penalty in many cases is not helping the State to ever overcome the problem. That is one of the concerns we have in Louisiana.

Mr. SKINNER. Let me say that incentives and penalties are for the purpose of insuring that States fulfill that responsibility. That does not mean that there may be extenuating circumstances in a particular situation that would cause, I would think, the Department of Transportation to be more realistic in its assessment of whether penalties are appropriate—the ability of the States to make movements along those lines. You know the difference, the difference is they are just not doing the job. That's one thing. If they are incapable of doing the job for reasons beyond their control, that fits into a different category of problem and we ought to look at that with a little different perspective. I will try to make sure that we do.

Senator BREAUX. Thank you.

Senator BURDICK. Senator Jeffords.

Senator JEFFORDS. Thank you, Mr. Chairman.

I will be a little bit provincial this morning—being my first day on this committee. I want to make sure the people back home know I care what is going on.

The first part will be a statement of a situation which exists in Massachusetts and Vermont with respect to Amtrak, especially in view of Mr. Simpson's comments about the ridership. The Amtrak line to Montreal has ceased operating due to the fact that the infrastructure failed. A bad accident in combination with the railroad's desire to turn all the traffic south instead of north caused serious problems. So the Montreal route, which had one of the best train ridership records in Amtrak has not operated for a long time now but is in the process of being restored. However, it is being interminably delayed. We have had delay after delay and now it is April before it will start running again. I just want to make you aware of that because I am sure we will be bugging you if there is another delay.

My second question is a little bit more difficult. It has to do again with Vermont and I am sure it is a problem in other States; that is the problem of trying to keep track of highway bridges in need of repair or close to collapse.

We are in the process now of raising our gasoline tax to one of the highest in the Nation, as well as our diesel tax. Also being considered is a weight distance tax for trucks and our concern is to whether the Federal Government will be excited about such things or whether they will want, as a national transportation policy, to preempt and to outline a taxation structure for the States to the degree that we may find ourselves having to redo things because of preemption.

I wondered if you would give us your feelings on the role the States would have in transportation policy especially in developing

innovative or new measures of taxation in order to sustain and to improve our highways?

Mr. SKINNER. Senator, it appears to me that it is fundamentally fair that if we ask States to assume a greater responsibility in rebuilding their infrastructure and they make the courageous decision—and I have been in the process of trying to convince the State legislature to impose some additional taxes for infrastructure, so I know how hard it is to get there. If we are going to encourage them to do that, we cannot then be developing a policy that undercuts their funding which obviously is a linchpin of any State involvement. We give lip service to State and local involvement unless we recognize they are going to have to find ways to fund it. It probably cannot come out of general revenues in most States. It probably has to come out of some other creative financing technique. If we have now encouraged them to do that—they are doing it; they are contributing to solving the infrastructure problem—I would hope and I would work to make sure that we do not, as a part of a national transportation policy, undercut the linchpin of the State and local cooperative effort.

So that is basically where I stand. I think it is a sharing thing anyway. I do not think in some areas the Federal Government should assume as great a role as it has traditionally. In other areas, given the nature of the problem, it may be that as policy develops the Federal Government may play a slightly greater role. In the areas you are talking about, my indications would be along the lines that I have said.

Senator JEFFORDS. I would assume that you would not look with great delight on utilization of the Federal highway tax as a general revenue source for reducing the Federal deficit.

Mr. SKINNER. Congressman Rostenkowski from my State, by whom I had the honor of being introduced yesterday, as you know, has proposed that.

One of the times we were flying back to Chicago, he and I had a somewhat heated discussion over that issue. He and I have agreed to disagree over that issue. I am not in favor of raising the tax, period, at this time. That is also the President's position. It clearly would be difficult for me to understand from my personal viewpoint, from the department's view, using funds that were intended for infrastructure or for highway, mass transit, and transit to use those funds for general revenue purposes when we have got the dire needs that we do. So, I think you will find that I would be a strong advocate of using taxes like the taxes you are talking about for those purposes. That's what the President is committed to, consistent with, as you know, the budget reduction problems.

Senator JEFFORDS. I would certainly agree with you with all the infrastructure needs we have, as exciting as that may be to some people, it is certainly not very exciting in my State. Thank you very much.

Senator BURDICK. Senator Reid.

Senator REID. Thank you, Mr. Chairman.

Initially, Mr. Designee, I am glad that you, in your opening statement, talked about drunk driving. I think it is something that we do not talk enough about. As we all recognize, 24,000 people were killed last year by drunk drivers. I have a lot of other questions I

want to go into, but I would hope that as soon as you get settled, you would give me some ideas in writing that you and your department will have regarding drunk drivers. As far as I am concerned, 24,000 people are murdered each year by drunk drivers and we have to do something about it. Okay?

Mr. SKINNER. I'll be glad to answer where I stand on that if you want.

Senator REID. How long will it take you?

Mr. SKINNER. I won't use your time. I'll figure another time to do it.

Senator REID. All right.

Mr. SKINNER. Okay.

Senator REID. First of all, do you know how much nuclear waste is now stored in the United States?

Mr. SKINNER. I do not know but I know that your State, along with a couple of other States, are big depositories of nuclear waste.

Senator REID. Well, they are not yet but they are looking to us. There are 70,000 tons waiting to be hauled someplace. There are only two ways it can be transported—highways or railroads. At Yucca Mountain, the place that they are talking about putting it, there is no railroad. That only leaves the highways. Your predecessor, responding to questions, said it could only be hauled on interstates. If that is the case—and he did not testify in person; he sent me a letter indicating that was the case—if that is the case then it is going to be interesting how it is going to get to Yucca Mountain because we now have 146,000 truckloads ready to be hauled some place, plus, just to keep up with the amount that is produced each year, it is 3,000 to 4,000 truckloads. So if it has to be hauled on the interstates that come to Nevada, it is going to have to go through San Bernardino, California; Salt Lake City, Utah; and places like that.

It is a real concern that has not been addressed in the Nuclear Waste Policy Act and it leaves the responsibility to the Department of Transportation.

In the past, States have tried to stop shipments of hazardous waste across their borders and the courts have said you cannot do that. Only the Department of Transportation can determine what is hauled. So I give this brief statement to you to ask, first of all, have you looked into the nuclear waste problem?

Mr. SKINNER. I am aware that there is not a unified policy regarding that and how we are going to regulate that over the long haul and that is one of the top priority projects also within the department to address.

Senator REID. Well, it really should be. I say this respectfully: I do not know that the department is capable of doing that. I can remember when the Secretary appeared last year he indicated that they were going to get a grant of $300—I don't recall if it was $300 million or $300,000.

Mr. SKINNER. I don't think it was $300 million. We haven't got that.

Senator REID. The point of the matter is, it should be.

Mr. SKINNER. I will say, Senator, you are absolutely right; it is an expensive proposition from what I understand to regulate that

type of system and who is going to do that is also an important part. You have identified a very significant———

Senator REID. You are going to do it. That is the way the law now stands. So you cannot lateral the ball to anybody unless the law is changed. That is the way I understand it. It is a serious situation. We have now in one of these buildings on the Senate side of the Capitol—we have the Senators of Idaho, Colorado, and other States, all of them are saying we do not want it—take it someplace else. In fact, Governor Cecil Andrus, of Idaho, has situated State personnel to stop, forcibly if necessary, trainloads of nuclear waste coming from Colorado—and it is even low level as I understand it. So it is a serious problem.

The Office of Technology Assessment has told us that there are 6,000 accidents each year involving hazardous waste. They have told us that only about half of them are reported. So that means that there are 12,000 to 15,000 incidents involving the transportation of hazardous wastes. We know now that most nuclear waste is not being transported. It is being stored. It is not being moved. When we start getting nuclear waste moving, thousands and thousands of truckloads of nuclear waste each day will be transported.

We have no monitored retrievable storage system which would cool it down so we are going to have the most volatile, dangerous, toxic substance known to man, plutonium, being hauled through the streets of our cities. It is your responsibility, and I would really hope that this Administration understands that it has a tiger by the tail and the mere fact that they are going to try to force the location of this on Nevada does not mean that Nevada has all the problems. We only have a little bit of the problem because you have to figure some magical way to get it there.

Mr. SKINNER. Thank you, Senator.

Senator REID. I would just end by asking that in addition to the drunk driving question that I refered to earlier, if you would ask some of your staff to give us what they have got on how transportation of nuclear waste is going to take place. I would appreciate that.

Mr. SKINNER. All right. We will do that.

Senator REID. My time has expired.

I have some other questions about essential air service but we will leave that to some subsequent time, Mr. Chairman. Thank you.

Senator BURDICK. Senator Lieberman.

Senator LIEBERMAN. Thank you, Mr. Chairman.

Mr. Skinner, yesterday in your testimony before the Commerce Committee on a couple of occasions you referred to yourself as a team player. Generally speaking, that is obviously appropriate because as a member of the cabinet you are clearly a member of the team. It does seem to me, too, that there is a balance to be struck there and, perhaps, part of the reason why, for instance, we have had a drop in investment in infrastructure funds is because some of your predecessors have not been willing not only to be members of the team but to step up to the plate and swing, to be advocates for the needs of the Department of Transportation and the programs it oversees. Are you prepared to be an advocate in that sense?

Mr. SKINNER. Senator, I did talk about a team player yesterday. I talked about it as being a team player not only with the Administration but with the Congress. I talked about looking at it as a team across the board.

Number two, also in that testimony, I talked for a moment about my advocacy and I indicated that I had spent the first eight years of my life, as I told Senator Lautenberg, as a salesman, selling a product for IBM--a very technical product. My strategy—I was somewhat successful because I got my case together and then, with some tenacity, I continued to advocate a position. As United States Attorney and as a trial lawyer, I have been doing that for, as you know, many, many years. You really have to have the facts and then you go out and sell them. I think my record in that regard is also quite good. I have been a strong—no one has every accused me of being a shrinking violet. I promise you I will not be a shrinking violet when it concerns infrastructure.

Senator LIEBERMAN. I appreciate that. That heartens me because I think that is going to be an important part in fulfilling your statutory responsibilities.

If I may, this was touched on somewhat by Senator Breaux and Senator Jeffords, but as so many others and I am sure yourself are troubled by the use of some of those highway trust funds derived from user fees for other than highway purposes. Accepting precedent that Senator Jeffords said to be somewhat parochial, I can tell you that in Connecticut right now where we do have a serious highway congestion problem, OMB's policy has meant that in fiscal year 1988, we did not receive approximately $45.5 million in authorized Federal aid highway funds and our current backlog—and we are a small State of course—is $166 million, which again is all money collected from users with the understanding and commitment that it go to improve our highways.

Are you prepared to do battle with OMB on that matter to make sure that the users get what they are paying for?

Mr. SKINNER. I think that I am clearly ready to do battle and I guess that is the proper word—as I indicated a moment ago, the President made a commitment and he is a man that keeps his commitments. He wants to get those funds available for the purpose for which they are intended. He has asked me as Secretary of Transportation to carry out his campaign promises and commitments and I am going to do what I am told as a team player and advocate and remind the Office of Management and Budget that we are committed to this, that the President is committed to it, I am committed to him, and I think the Office of Management and Budget is also committed to him. So I would hope with that kind of commitment we could reach that point in the not too distant future.

Senator LIEBERMAN. Thank you. I appreciate that answer.

If I may give you another opportunity for advocacy in the area of mass transit—I know, based on your background, that you understand the strong connection between investment and mass transit and economic development. I gather that here in Washington is the handiest example. A substantial part of the economic growth that has occurred here in the last decade—as much as half of it—has

actually occurred in relative proximity to the Metro stations. So there is a clear connection there.

In Connecticut we have a similar situation. In fiscal year 1990 we hope to receive approximately $25 million in section 9 formula funds and $90 million in discretionary section 3 capital funds aside from the operating assistance. We have many priorities including restoration of a bridge in Bridgeport and comprehensive bridge restoration along the New Haven line, track maintenance and new facility improvements.

My question is this: the outgoing budget that the Reagan Administration submitted cut transit spending by nearly two-thirds. Are you prepared—I know that it is a short time frame, the time between now and February 9, when President Bush comes before Congress—to argue within the Administration, particularly to OMB, that those cuts be diminished or eliminated?

Mr. SKINNER. I have not had a chance because I have been involved in confirmation hearings and Director Darman has also been involved in confirmation hearings. I have not had a chance to sit down with him on the Bush budget.

The biggest problem I face immediately is dealing with the budget, given the previous actions of Congress in the areas of mass transit funding and in Amtrak subsidies, given the commitments that I have made and the President has made in the area of the FAA and the Coast Guard about which I have heard from a number of members on the Hill. How we are going to handle these various scenarios? It appears to me what we are going to have to do is, operate under certain constraints from the Office of Management and Budget on a total picture. Then I am going to have to work with not only our Administration but with the Hill in seeing how we can satisfy it. I cannot—we cannot be everything to everybody this year. I want to be as fair as I can in helping make those decisions in consultation with the Congress in making sure that once they are made, that at least the Congress is fully informed of all of the implications. Hopefully working with the key members of the committees we will at least reach an understanding as to where we have a disagreement. Eventually, obviously, the Congress will impose their desires on that budget and I will try to be as reasonable as possible addressing all. It is on the screen, Senator, for next week, and it is going to be an all-day session and it is not one that I look forward to.

Senator LIEBERMAN. Thank you.

Senator BURDICK. What do you see as major highway issues now and in the near future? What will be regarded as the priorities in the Federal aid highway program as we renew the act?

Mr. SKINNER. Well, I think the reauthorization when it comes up—we are, number one, going to have to look at the current program and do some validation of the results. We want to learn from the experience of the act as it currently stands. By then we will have identified how big a problem we have out in the future, we will then be in a better position to take a look at what any reauthorization should be. It is clear to me that these programs over the years—you know General Eisenhower, President Eisenhower, identified the interstate highway program as a national defense program.

I think we have got away a little bit from the importance of highways for national defense purposes. I think we are going to have to begin to remind people of that. Our situation is changing. Our plan is going to identify a new economic environment or a predicted economic environment in the years 2020 and beyond, whether it be a system that allows us to handle safely and transport safety hazardous waste or move people on the northeast corridor in modes of operation other than air—maybe with some kind of system that we do not even have today. I think in those areas and as well as the basic highway problems, the priority is going to be identifying how a big a problem it is, what we want our system to look like, and how we are going to get there.

Senator BURDICK. I have another good question for you.

Mr. SKINNER. I'm ready.

Senator BURDICK. You ready?

Mr. SKINNER. I hope.

Senator BURDICK. Former Secretary Dole now had a vigorous program for recruiting and promoting qualified women and minorities for positions within DOT. Do you share her views and, if so, what are your plans?

Mr. SKINNER. I have had the opportunity to meet with former Secretary Dole and labor secretary designate Dole. I spent an hour and a half with her recently. She was kind enough to give me some time to discuss her service as Secretary of Transportation where she had so many accomplishments. One of the things she brought up and we discussed at some length was her program to increase the representation of women in the work force at the Department of Transportation. It has moved up slightly.

Let me just tell you where I stand on that issue briefly. As United States Attorney, I think I was the leading United States Attorney in the country in making employment opportunities available to women and minorities. I had on a percentage basis and a total basis more women assistant United States Attorneys in trial lawyer positions and in supervisory positions than any in the country. I have at the Regional Transportation Authority—I have women in significant management positions. I fought as a trial lawyer as United States Attorney for equal opportunity within public employment in very controversial law suits against the Chicago Police Department and the Chicago Fire Department. We were successful working with the Civil Rights Division of the Department of Justice. The President is committed to that involvement. My record shows, I believe, a record of commitment.

So I think my record on that area, where I have a clean slate in others, on that one it is pretty clear. My commitment is total and complete.

Senator BURDICK. Thank you.

Senator Lautenberg, do you have a question?

Senator LAUTENBERG. Yes. I have a couple if I might, Mr. Chairman.

Mr. Skinner and I have some similarities of background—in that his service was with the Transit Authority in Illinois and mine was with the Port Authority in New York. He was a salesman and I was a salesman. We bought what you sold in my former life.

Mr. SKINNER. You were more successful, too.

Senator LAUTENBERG. Well, I don't know about that. You had an easier product to sell.

In any event, just going back to Senator Lieberman's comments about the advocacy role. Mr. Skinner, nothing is going to happen unless we get funding for our programs. Since I am the appropriations subcommittee chairman, it is very tough if we have a pie of a given size to divide up and the demand for pieces of that pie exceed its size. Environmental concerns is now a major or a significant part of the Coast Guard agenda, there is highway support, air, rail, you name it. There is a lot of competition. The fact that you are going to be a major player on the Bush team obviously got you to this point.

How do you view your responsibility as Secretary based on the laudatory comments that you got coming in here? I mean, you got a pretty good shot at this, I would say. How do you determine how hard you push? When you go into a meeting with Mr. Darmon, what is your position?

Mr. SKINNER. Well, I think that—you are right, you and I have similar—we again share a similar responsibility, not only our days in the computer business and our days in public service in the local sector but now you will be involved as a key member on the appropriations side in transportation, and I will be involved hopefully as Secretary of Transportation. It looks pretty good at this point. I will be working with my people. But the first thing that I have to do because you are ahead of the power curve—Senator, you have been through this process and you know how this balancing takes place. I still know a little bit about the problems but my first budget meeting will be next week. I have got to come up with a strategy and a scenario that makes sense, given all these competing needs and given the restraints I have got. When I have sat down with my people, looked at their various budgetary needs, looked at various scenarios based upon a prediction of what we think might happen in the House and the Senate, then I can be in a position to advocate what we are going to do on the short range and what we are going to do on the long range. I do not think we are going to have a whole lot of movement on the short range. There is not going to be major revenue inflow on the short range into this year's budget. We have got to look a little bit beyond that but I also have a short term problem as to what our strategy as a department is going to be. Once I make those decisions—and all I can promise you is that I do not know how they are going to come out—I want to listen to everybody. Whatever success I have had in government and the private sector is because I will listen and be fair. I will hopefully ask penetrating questions and be able to identify with good staff the right areas, what really has to be done and what can be put off and the impact of putting that off, and then we can come up with the scenario that frankly you and I will sit down with and try to work this out. I do not think you and I are going to agree on everything but I think you and I have agreed to have open dialogue in your office where we will meet on a continuing basis on this problem with you and your committee and I am going to do the same thing with the House. You understand, at this point I don't——

Senator LAUTENBERG. I appreciate that and it is a balanced response. We do not always like to hear a balanced response, but the fact is that I also sit on the Budget Committee and that review is coming up very soon and I hope that President Bush will interject into the program what the Reagan Administration left out of the budget program, and that we will be able to deal with it.

I would, just before leaving this subject, urge you to have a fairly narrow focus on this because the person who sits in a Secretary's seat who does not support the largest share of the budget that they can get, in my mind, is not upholding the responsibilities of that office. You are not an extension of the budget office.

I believe that you understand the problems and I really must tell you that I respect your constant reference to the longer range, to the balance. The system does not work well in that regard, the system here does not work well, the system there does not work well and you turn over FAA administrators with Administrations and decisions that maybe take 10, 12, or 15 years to implement just get switched in the middle. It is too bad. We see the results of that kind of change. I would urge you to be as thick "skinnered" as you can.

Lastly, I would say, Mr. Skinner, you made very clear your view of the speed limit issue and you know that I lost a battle on retaining the old 55 as the maximum speed limit on federally involved highways. The initial report says that fatalities have increased. You say that States are best equipped to set those limits. Is there any point at which you would say: wait a second, we are seeing too much destruction, too much death on the highways that maybe coincidentally or otherwise follows the increase in the speed limit?

Mr. SKINNER. Yes, absolutely. I discussed that a little bit this morning in preparation for this hearing because my position is that the State and local governments, and particularly the States, are in the best position. I give them the presumption that they want to protect the lives of their citizens just as we do. If there comes a point in time when the statistics are clear and they are ignoring that and they are just basically taking positions that clearly are contrary to fact and they are doing it in a way that has a significant disregard for the safety of citizens, then I think it is time for the Federal Government to give them some real incentives to get involved in that. When I talk about giving them authority, I assume and presume that they have the same concern for safety that we do. When I see that is gone and that, Heaven forbid, they ever have a disregard for that, then I think it is time to reassess.

Senator LAUTENBERG. I sense your indignation at the loss of life as a result of drunk driving on the highways and I get the feeling you are going to be with those of us who care about that issue 100 percent of the way.

I take pride in the fact that I was the Senate author of the 21 drinking age bill and we look at the statistics with a degree of some satisfaction—over 15,000 young lives a year saved from death on the highways and I would like to see us do better. That still leaves some 3,000 or 4,000 getting killed from alcohol and driving and we have another program that is in place—administrative revocation of license and so forth and I would hope that we can count on the DOT to pursue that vigorously and give us some assessment

as to whether or not the incentive program that we proposed does the same job as the punitive program that we proposed with the 21 drinking age when we took away highway funding. That got a response, not always quick, but got a response.

Mr. SKINNER. This is probably a good point to take a minute—I think it was Senator Reid that did not want me to take any of his time—I do feel strongly, you are absolutely right, about this. I feel strongly that it is a safety issue. It is a safety issue not only on the road but in the cockpit. I inherited a very strong drug policy, as you know, including a very strong random drug policy. The number of people that have alcoholic problems in this country is significant among those over 18. Those people should not be on the road, they should not be in the cab of a train, and they should not be in the cockpit. We have got to provide the leadership role and I think they go hand in glove. I do not want to be so arbitrary and capricious that, you know, as to come up with an unenforceable program. But I think we at the Federal Government have to send a significant message to the States that we are not going to tolerate drunk driving. It is a callous disregard for the lives of others and I am going to be a very strong advocate.

Senator LAUTENBERG. Thank you, Mr. Chairman.

Good luck.

Mr. SKINNER. Thank you very much, Senator. Thank you for your time.

Senator BURDICK. Mr. Lieberman.

Senator LIEBERMAN. Thank you, Mr. Chairman.

May I state for the record that unfortunately I have never been a salesman. Although I was involved in a political campaign last year so that in that sense perhaps.

Mr. SKINNER. You did a pretty good job this year of salesmanship, it appears to me.

Senator LIEBERMAN. That was a year of sales.

You and I do however share another experience, which is that we have both been lawyers and in law enforcement. I want to ask you, if I may, two questions that come out of experiences that I had in Connecticut on transportation-related issues as attorney general.

The first relates to tandem trucks. Connecticut had a longstanding desire to prohibit tandem trucks on our highways based on the belief that they were unsafe, particularly on our congested urban highway system. The Surface Transportation Act came along, we took it to court and at least from my previous perspective I would say unfortunately the preemption clause remained strong and vital and we lost that battle. But Congress then came back and passed the Tandem Truck Safety Act which authorized States to apply for exemptions on certain highways at certain times and our State Department of Transportation did that for I-95 between Greenwich and New Haven. I do not know if you have ever been on that highway, but it is extremely congested during the rush hours. Our application was for exemption during the rush hours. It has frequent exits, exits come about one every mile—exits and entrances. We lost that application based primarily on a technicality and we are going back to bring it up again.

I wonder as a general statement how you feel about tandem trucks on the highways and then, secondly, will you keep an open

ear to applications for these exemptions when the facts justify them?

Mr. SKINNER. I promise to keep an open ear. You and I have been on both sides of cases as you know over the years and I have been able to advocate both sides and on occasion as an attorney general or as an United States Attorney we are required to make decisions. So we also kind of serve as judges in that regard. I think over the years I have learned to be open minded and fair. I start with no record pro or con on the issue of tandem trucks. I do feel that safety on the highways involving trucks is very important. I think there may be an increasing apprehension among people in this country about truck safety. I think we have to have, working with the States, a very realistic program in enforcing truck safety and safety on the highways in general. How tandem trucks fit into that overall policy I do not know. But I think the American people have a right to feel, just as they have a right to have confidence in their aviation system—they have a right to have confidence in the safety of their highway system and we have got to come up with a fair approach to this and a fair policy to this that recognizes the importance of trucking to our economy, but at the same time recognizing that our obligation to the safety of our citizens—there is no greater concern than that. I will try to work to the best of my ability.

Senator LIEBERMAN. Thank you for that answer.

We believe that tandems, based on the evidence that the State put together, have a higher propensity to be involved in serious accidents and we look forward to the opportunity to put that before you.

Mr. SKINNER. I have no opinion pro or con. I will be glad to look at the facts in the briefs. I am pro preemption. I am now a preemption man. I think you probably might be too now.

Senator LIEBERMAN. The last word that one of my assistant attorneys general in Connecticut said as I walked out of the office on the last day was: Don't forget the preemption clause—from the State's point of view.

May I say I appreciate your comments about truck safety generally because there is, apart from tandems, tremendous apprehension in our State and I assume throughout the country about the number of highway accidents involving trucks and a fear that that has something to do with the deregulation of the trucking industry and the fact that there are a lot more independent operators on the road driving for long periods of time and perhaps not with the capital to maintain the vehicles in the best condition. So, I thank you for your interest on that subject and the priority that you are going to give truck safety.

If I may, Mr. Chairman, ask one more question from Connecticut?

Another case that we were involved in: on this one we appreciated DOTs reaction. Going back to Senator Reid's question, it has to do with the transportation of nuclear waste and I would not be surprised if you faced this in the coming years with more frequency.

This was a case in which New York, wanting to truck nuclear waste from Brookhaven Labs on Long Island, wanted to keep that waste out of New York and therefore to break the established DOT

routing system which seems to say take it across the interstates and take it on the shortest distance between two points. This waste was meant to go from Brookhaven on Long Island to Idaho—our neighbors in New York had the ingenious idea of taking it north across Long Island Sound up through Connecticut and then west on 84 on its way out to Idaho. It was done on the argument essentially, and I hope I am doing it justice, that there was less congestion and fewer people in Connecticut than in New York and, therefore, risked fewer people. But, needless to say, Connecticut is a densely populated State, particularly along the roads that this material was going to go and we thought that that break in the national routing system would be a very bad precedent because any jurisdiction with more congestion and more people than a neighboring one would naturally want to get this nuclear waste off their highways.

The Hazardous Materials Transportation Section of DOT ruled in our favor. It was bounced back as a result of a technical question the courts had. It is now back at DOT and I generally wanted to bring that to your attention and ask you if you have any position on it and hope that you will enforce that routing system.

Incidentally, This is not one of those NIMBY cases. We have a lot of nuclear waste going across our highways from northern New England because it is the most logical way for it to go getting to depositories but it did not seem fair to us for New York to come up north and then west.

Mr. SKINNER. I do not have any opinion. I just have not got into the factual basis, obviously, of the transportation of hazardous waste in a safe manner. It is going to be, as one of your colleagues pointed out, a very important part of the Transportation Department's responsibilities and to the best of our ability given that charge we are going to do that. On this particular case, I do not know. I assume under the normal process it comes up to the Secretary, it will eventually come up and I will take a look at it.

Senator LIEBERMAN. I appreciate it.

Let me just say that the general point I want to make is that no State, no jurisdiction, will want this material across its highways given a choice. This is a classic area where there is a need for Federal leadership and decision making straight ahead without any favoritism either way.

Mr. SKINNER. Thank you, Senator.

Senator BURDICK. I want to thank the witness for appearing here today. Thank you, Mr. Skinner.

The record will remain open until 5:00 o'clock today so that the members may submit questions to Mr. Skinner.

Mr. SKINNER. Thank you, Senator.

Senator BURDICK. I hope that you can get the replies back in two or three days.

Mr. SKINNER. Two or three days. Let us hope soon.

Thank you. I want to thank your staff also. They have been helpful and I appreciate all of your staff that is here and the others that have already left. Thank you very much.

Senator BURDICK. The meeting is adjourned.

[Whereupon, at 11:20 a.m., the committee was adjourned, to reconvene at the call of the Chair.]

[Responses to additional questions follow:]

U.S. Department of
Transportation
Office of the Secretary
of Transportation

400 Seventh St., S.W.
Washington, D.C. 20590

JAN 31 1989

The Honorable Quentin N. Burdick
Chairman
Committee on Environment
and Public Works
458 Dirksen Senate Office Building
Washington, DC 20510-6125

Dear Senator Burdick:

Please find enclosed my responses to the follow-up questions of the Environment and Public Works Committee. I appreciated the opportunity to appear before the Committee.

Sincerely yours,

Samuel K. Skinner

Samuel K. Skinner
Secretary-Designate

Enclosures

(BURDICK #1)

QUESTION 1: Please list your major accomplishments as Chairman of the Chicago-area Regional Transportation Authority (RTA) and describe briefly the goals and objectives you have set as an incoming Transportation Secretary?

ANSWER:

I served for four years as the Chairman of the Regional Transportation Authority of Northeastern Illinois. In that capacity, I was responsible for overseeing the operations of three separate service boards. My greatest accomplishment, I believe, was in assessing and developing a long range capital development program for upgrading the transportation infrastructure in the region.

If confirmed as Secretary of Transportation, my principal goal, in consultation with the Congress, the public, industry, and the President, will be to develop a National Transportation Policy that enhances our national security and strengthens our economy. A National Transportation Policy will enable industry to provide efficient, competitive delivery of goods and services, and must be one that delivers the public to its destinations quickly, efficiently, at the right place, and safely. This will require attention to current and future infrastructure needs, a commitment to intermodalism, and will necessarily require a determination to provide services through the free market mechanism to the extent possible.

In short, my goals would be safety, efficiency, cost effectiveness, and a comprehensive system designed to serve both the peacetime and national security requirements of this nation. With respect to specific initiatives, I am not so presumptuous as to believe that I am fully up to speed on the multitude of complex issues confronting the next Secretary of Transportation. Therefore, I would respectfully decline the opportunity, at this time, to lay out specific initiatives. I will say, however, that before implementing new initiatives, I intend to involve fully and take into account the views of the Congress, industry and the public and, of course, the President.

Without prejudice to my ability to have an adequate opportunity to further study the many issues, let me at least say this: I recognize that DOT is a key player in other areas in which I would expect to play a significant personal role. One of these areas is protection of the public from the acts of terrorists--whether they act from abroad as in the Pan Am tragedy last month, or whether they are the individual acts of personal terrorism committed by drug merchants preying on our citizens. We will act aggressively to provide greater physical security against terrorists in aviation through the use of technology and enhanced screening. I am also committed to working with the President and Bill Bennett, the new "Drug Czar", to eliminate completely the use of drugs from America's transportation system.

(BURDICK #2)

QUESTION 2: How do you see the Office of the Secretary interacting with the modal administrations, and how would you describe your approach to management at DOT?

ANSWER:

During my appearance before the Commerce Committee, I was asked a similar question about how I would work with the FAA. I replied that the important thing is for the Secretary of Transportation and the FAA Administrator and his key people to have an understanding of what the Secretary's role is and what the Administrator's role is, and to have a good working relationship. The working relationship must be based on trust, working together, identifying problems early, supporting the administration when it is appropriate to do so, and having an understood set of guidelines under which the Secretary and the Administrator work. That pretty well sums up how I expect to work with each modal administrator.

My approach to management of the Department is similar. It must be based on cooperation, trust and mutual support, with a clear understanding that we are all working on the same mission of providing a system of safe and efficient transportation for the American people.

Whenever I or my staff can assist in getting an agency the budget it needs, suggest regulatory changes that will comply better with requirements and facilitate acceptance by OMB, or push for faster action on badly needed safety initiatives, we will do so. There will undoubtedly be major policy areas in which the Secretary of Transportation must be the ultimate decision maker. If there is to be an effective Transportation Department which implements national transportation policy across and within all modes, the Secretary must provide the leadership and must exercise final judgment--I intend to do so.

(BURDICK #3)

QUESTION 3: Among your most important initial responsibilities will be to participate in the selection of modal administrators. Please describe the qualities you are looking for in a Federal Highway Administrator?

ANSWER:

First and foremost, I will be looking for an individual with vision and imagination. The Interstate System is nearing completion and the current highway authorizations only run through FY 1991. Thus, I expect the Federal Highway Administrator to be instrumental in developing a new and imaginative program for the future, as well as devising ways to assure that the current highway system is adequately maintained. This will require an understanding of the impact of the nation's future highway system on economic development, as well as an understanding of the role of demographics and life-styles, energy demands, personal and freight transportation demands, and an appreciation of the potential for new technologies.

(BURDICK #4)

QUESTION 4: Former Secretary Burnley recently gave an exit interview to the Journal of Commerce. In discussing highway issues he referred to the "asphalt and concrete crowd" who just want to "...find more grass to pave as an answer to the problems of the 21st century." In your view how can a fresher vision, a more creative approach be brought to addressing this nation's surface transportation concerns?

ANSWER:

I am committed to undertaking the development of a broad National Transportation Policy, including a plan to improve the nation's ailing infrastructure. We will be looking at the best and most efficient way to meet the transportation needs of the decade of the 1990s and early 21st century. Clearly, given the growing need for transportation services, along with the concurrent need to reduce the Federal deficit, innovative approaches to addressing transportation concerns will be needed.

(BURDICK #5)

QUESTION 5: This Committee strongly supported several provisions contained in the 1987 highway act to allow for more flexibility in highway funding and alternative methods of financing highway construction. What do you think of the Highway Trust Fund as a financing mechanism, and what new funding methods, if any, look promising to you?

ANSWER:

The Highway Trust Fund has been a stable and reliable means of financing highway construction and critical highway and bridge rehabilitation for over 30 years. The 1987 highway act provided for some more flexibility, including pilot projects which use toll fees for financing construction on Federal-aid systems. I am looking forward to evaluating the results of these pilot projects. We will be studying highway and bridge infrastructure needs as part of the development of the National Transportation Policy and will be addressing financing alternatives.

(BURDICK #6)

QUESTION 6: One of the toughest issues facing us is how to apportion limited highway funds. I understand that you have had some experience at the RTA in satisfying the diverse needs of city and suburban areas in dividing resources. What did you find to be the key in reaching a compromise among competing interests?

ANSWER:

I take a goal-setting approach, establishing both short-term and long-term goals. Then, after evaluating all of the information on the issue, I balance the competing interests and come to what I believe is a fair, workable decision, within the framework of achieving the overall goal. I plan to develop a National Transportation Policy so that we can look long-range at what the needs are across the country. Once we have developed that policy, we can find the proper role for State and local governments, as well as the Federal Government. Then, we can begin to address the problems we find, not only on a short-range basis but on a long-range basis as well.

(BURDICK #7)

QUESTION 7: You have spoken of your interest in developing a national transportation plan. What types of people would you select to participate in the study and what would you see as a successful end product?

ANSWER:
As I have indicated, I intend to develop a National Transportation Policy in consultation with the Congress, the public, industry, and the President. Involvement of all those who will be affected by this Nation's ability to meet the transportation needs of the future will be critical to the successful development of such a policy. Within the Department, participants in the study will represent a broad range of skills; planners, engineers, demographers, and economists, to name but a few. The end product must be an assessment of the current status of the Nation's transportation systems and their ability to meet current travel demands safely, efficiently, and cost effectively, and a plan for maintaining and improving those systems to meet the Nation's need well into the future. It must address national security and national economic needs, and it should enable industry to provide efficient, competitive delivery of goods and services and ensure that the public is delivered to its destinations safely, quickly, efficiently, and at the right price.

(BURDICK #8)

QUESTION 8: Former Secretary Burnley has given you a DOT reorganization proposal. One feature of his plan is to combine the Federal Highway Administration, the Urban Mass Transportation Administration, and the National Highway Traffic Safety Administration into a single surface transportation organization. What is your view of merging the three surface modes?

ANSWER:

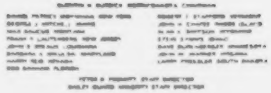
I have not made an assessment of Secretary Burnley's proposal, but plan to look at it and others. Development of a National Transportation Policy will be my first priority, and that will go a long way to ensuring the proper consideration of the interrelationship of the modes.

(BURDICK #9)

QUESTION 9: For several years this Committee has had difficulty in obtaining copies of FHWA's budget justification document. Please see the attached letter from the Committee leadership dated March 3, 1988. As Secretary, what will your policy be?

ANSWER:

I will provide, in a timely manner, budget information in the format requested by the Committee within the boundaries of what I have authority to disclose and consistent with Administration policy on transmittal of budget material to Congress. I intend to work closely with the Congress.



United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

March 3, 1988

Mr. Robert E. Farris
Deputy Administrator
Federal Highway Administration
400 7th Street, S.W.
Room 4218
Washington, D.C. 20590

Dear Mr. Farris:

We have reviewed your letter of February 17, 1988 to the Chairman and Ranking Minority Member of the Environment and Public Works Committee regarding the budget justification document for the Federal Highway Administration (FHWA).

The Committee on Environment and Public Works is required by section 301 (d) of the Congressional Budget and Impoundment Control Act of 1974, as amended, to report to the Committee on the Budget with recommendations on annual spending levels for the programs within the Committee's jurisdiction. The Environment and Public Works Committee's oversight extends to programs in five cabinet-level departments and seven independent agencies. All of these agencies have routinely supplied their budget justification documents quickly and directly to the Committee. The Federal Highway Administration has, unfortunately, not done so.

FHWA's failure in this respect is especially puzzling given the existence of contract authority which permits authorized sums to be made available for obligation without an appropriation action. Thus, this Committee is the authorizing and appropriating committee for the Federal-aid highway program. For the FHWA budget justification to go only to the Appropriations Committee, or to be made available to the Environment and Public Works Committee only through the Appropriations Committee is unacceptable.

This year, as you know, the Committee on Environment and Public Works held a full committee hearing on Monday, February 29 on FHWA's fiscal year 1989 budget. The budget justification was finally delivered to the Environment and Public Works Committee, as a result of the Secretary of Transportation's directive, on Friday, February 26. In preparing the hearing and the recommendations to the Budget Committee, the budget justification is not only helpful, as you suggest; it is essential.

Mr. Robert E. Farris
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In conclusion:

1. Every agency within the jurisdiction of the Environment and Public Works Committee--except for FHWA--provides budget justifications directly to the Committee;

2. The presence of contract authority makes the Environment and Public Works Committee both the authorizing and appropriating committee; and

3. There is no provision in the U. S. Code, or anywhere else, directing FHWA to deliver their budget justification exclusively to the Appropriations Committee.

The Secretary of Transportation has provided assurances that the difficulties experienced by the Committee on Environment and Public Works in obtaining FHWA's budget justification will not be repeated in the future. We are writing to be assured that that is also the understanding within the Federal Highway Administration.

We look forward to a written reply at your earliest convenience.

Sincerely,

Robert T. Stafford
Ranking Minority Member

Quentin N. Burdick
Chairman

Steve Symms
Ranking Minority Member
Subcommittee on Water Resources,
Transportation, & Infrastructure

Daniel Patrick Moynihan
Chairman
Subcommittee on Water Resources,
Transportation, & Infrastructure

(BURDICK #10)

QUESTION 10: As someone with experience in the computer and information technology field, what suggestions do you have for improving communications and coordination within DOT and between DOT and Congress? Also, what will your distribution policy be in transmitting important DOT publications, research findings, information on rule-making activities, and other matters of jurisdictional interest to relevant Committees?

ANSWER:

Continuation of the department's automation development program will certainly assist the department's ability to access and convey information. However, more important than technical equipment is the individual commitment and responsibility of DOT employees to work together on intra-departmental matters and to avoid bureaucratic delays in transmitting information requested by Congress.

With regard to my policy on distributing DOT publications to Congress, I will provide items requested by the Committees within the boundaries of what I have authority to disclose and consistent with Administration policy on clearance of documents for transmittal to Congress.

BURDICK #11

QUESTION 11: What is your view of proposals to further increase the permitted size and weight of heavy trucks and what relationship, if any do you see between the larger and heavier trucks and pavement deterioration?

ANSWER:

I have no view on that at the moment, but certainly recognize the relationship you describe. I expect to be able to discuss that with you in the near future.

BURDICK #12

QUESTION 12: Highway safety is a major concern of this Committee. What emphasis will you give to safety issues in terms of the design and construction of highways and bridges?

ANSWER:

If confirmed, I will continue to place the previous Administration's high emphasis on safety. There are three closely interlinked aspects of safety . . . the driver, the vehicle, and the highway. All have to be addressed in order for us to be able to keep the number of Americans killed on the roads from rising from an already high number to even higher, totally unacceptable level in the next decade or two.

Basically, I intend to look to research in design and construction, means of improving vehicle and environmental safety -- and at the driver himself.

BURDICK #13

QUESTION 13: DOT's lease on its L'Enfant Plaza office building is set to expire this year. What are DOT's plans to either keep the department in a privately owned building or to relocate to government office space?

ANSWER:

The DOT headquarters is located in the Nassif Building at 7th and D Streets, S.W. In addition, Coast Guard is located in the Transpoint Building and the Federal Aviation Administration is located in Federal Building 10A (FB-10A). Nassif is a privately-owned office building leased by the General Services Administration. That lease expires in January 1990.

My understanding is that DOT has been working with GSA to develop alternatives to satisfy its headquarters space requirements, and I will be looking at those alternatives shortly.

BURDICK #14

QUESTION 14: If confirmed as Secretary, will you be willing to appear before this Committee and other Congressional Committees?

ANSWER:

I want to work with the Congress on a day-to-day basis in reaching solutions to the problems that we face. I am a team player and look forward to appearing before this Committee and other Committees in the future.

(MOYNIHAN #1)

Question #1: As Secretary, will you be an advocate for expenditures from the Highway Trust Fund equal to annual receipts?

Answer:

As long as reduction of the Federal budget deficit remains an objective of national concern, I will support a "deficit neutral" Federal-aid highway program; that is, highway obligations should equal the tax receipts collected. This policy guarantees that all Federal highway user taxes will be used for transportation improvements as they are collected. I will support spending down the balance in the Highway Trust Fund over the long-term as the problems associated with the deficit are resolved.

(MOYNIHAN #2)

Question #2: Please provide me with your views on recommendations made in the final report of the National Council on Public Works Improvement regarding programs within DOT's jurisdiction.

Answer:

I am concerned with the state of the nation's infrastructure. The National Council on Public Works Improvement did an admirable job of researching the status and developing recommendations to meet the nation's current and future infrastructure needs.

I am well aware of the need to expand airport and airspace capacity, repair the nation's highways and deteriorating bridges, rehabilitate the older rail transit systems, and expand suburban transportation. As the Council's report points out, this will take a national commitment shared by all levels of government, the private sector and the public, not just an interjection of massive Federal capital.

I plan to develop a national transportation policy which will address these issues. I am not so presumptuous as to believe I know the answers to solving our infrastructure problems. However, I do agree with the Council's recommendations that it is important to take steps to improve performance and efficiency of existing facilities. Use of low capital techniques, such as demand management and coordinated land-use planning must be used more rigorously.

User fees should be used to pay for as large a share of our transportation infrastructure costs as possible and we must seek ways to encourage increased, as well as more consistent, spending on maintaining and rehabilitating our transportation facilities where it makes economic sense, rather than the more common practice of spending on new construction or new equipment. These views are fully supportive of other major recommendations in the Council's final report.

(MOYNIHAN #3)

Question #3: I and others have had enormous difficulty getting the Department of Transportation to recognize the potential for non-highway uses of rights-of-way along the Interstate system. In the past this has centered on the question of allowing fiber optics cables to be laid underground along these rights-of-way.

In January 1988, after three years of delay, the Department issued a rule allowing states to permit or deny requests for such use without case-by-case investigation in Washington.

If it took us over three years to get this, I shudder to think how long something a little more bold might take. I speak of my bill, S. 221 in the 101st Congress, which would direct what will soon be your Department to develop rules to allow for the construction of magnetic levitation systems along the interstates.

Could you support such an idea? If not, why not?

Answer:

The Interstate Highways are owned and operated by the States. Even though Federal funds may have been used by the States in their construction, the States control and operate these facilities pursuant to State law. I would not support a Federal rule which would override the basic principles of State ownership and control of their highways. However, I could support the development of Federal rules permitting the construction of magnetic levitation systems along the Interstate highways, which are proposed by a State, where it can be shown that they are in the public interest, do not impair the highways or their proper maintenance, and do not interfere with safe and efficient traffic operations. Each proposal would have to be evaluated on its own merits. Certainly, where conditions permit, we should encourage compatible multimodal development of transportation corridors.

(MOYNIHAN #4)

Question #4: What are your plans for DOT's research and development budget, with particular emphasis on its commitment to maglev? How can we put our own DOT (back) into the business of developing an American maglev system?

Answer:

I believe that some form of high speed rail will play a part in our nation's transportation structure in the near future. A major effort in my Department has been improving the safety of our nation's transportation system and as the various high speed rail proposals in the U.S. come closer to actual construction, we will want to make sure that the excellent safety record of the foreign developers of high speed rail carries over into the United States.

I do not think that the Department of Transportation need develop an American maglev system per se. There are sufficient opportunities for American industrial development and given the significant market potential, private sector investment in the development of whole new and improved systems is likely to occur.

I do anticipate some research will be needed to extrapolate our safety requirements to higher speeds and any different technologies that may be deployed in the U.S. The Department has budgeted $200,000 in fiscal year 1989 to investigate the safety aspects of high speed passenger train equipment including advanced technology systems such as maglev.

I believe that the best opportunity for American investment and American innovation lies not in catching up but in jumping ahead by adapting these technologies to the unique characteristics of our market.

(MOYNIHAN #5)

Question #5: As Secretary of Transportation, you will be a member of the Board of AMTRAK, which has held title to all capital infrastructure along the northeast rail corridor since 1976. The Hell Gate Bridge, designed and built by the incomparable Gustav Lindenthal to cross the East River at Astoria, Queens, is a vital part of that network.

It has not been painted since 1939.

I held a hearing on precisely this subject on October 27, 1988 in Astoria. What will you do to get AMTRAK to learn from New York City's experience with another of the steel bridges over the East River, the Williamsburg?

Answer:

I expect to be an active member of Amtrak's Board of Directors. With respect to bridges along the Northeast Corridor right-of-way, it is my understanding that Amtrak conducts an in-depth inspection of each at least annually. The last such inspection for the Hell Gate bridge was done in September 1988 and took nearly a month to complete. No structural problems were identified. In addition, Amtrak track inspectors cross the Hell Gate twice a week and report track irregularities and any other potentially unsafe condition, including problems with the bridge. This level of inspection seems appropriate. Amtrak continues to work toward correcting conditions that cause ballast to fall from the bridge.

QUENTIN N. BURDICK, NORTH DAKOTA, CHAIRMAN

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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
WASHINGTON, DC 20510-6175

January 26, 1989

Mr. Samuel K. Skinner
Secretary Designate
U.S. Department of Transportation
400 7th St., S.W.
Washington, D.C. 20590

Dear Mr. Skinner:

The purpose of this letter is to follow-up on a concern that I raised with you today at your confirmation hearing before the Senate Committee on Environment and Public Works. Specifically I would like to encourage you to become personally involved in making the Department of Transportation's decision to relax the Corporate Average Fuel Economy Standards (CAFE).

Continued relaxation of the CAFE standards is the first major environmental decision to confront the Bush Administration. Under the Reagan Administration, the CAFE standards for model year 1989 automobiles were relaxed from 27.5 mpg to 26.5 mpg. The same proposal is now pending with the Department of Transportation for model year 1990 cars. President Bush, both during his campaign and after his election, has stressed his strong commitment to addressing global environmental problems. Relaxation of the important CAFE standards is not an indication of a strong commitment to the environment.

The Greenhouse Effect is perhaps the greatest environmental problem confronting the globe. It is caused by the build-up of carbon dioxide, emitted by the burning of fossil fuels, and other gases in the atmosphere. The United States is the largest contributor of these gases to the global environment.

Annual emissions from automobiles account for the addition of approximately 700 million tons of carbon dioxide into our atmosphere. Increasing the efficiency of automobiles has been identified as one of the most cost-effective means of addressing the build-up of greenhouse gases. For the transportation industry, one of the few viable options we have to address global warming over the next fifteen years is fuel economy. The challenge facing us and the entire world is how to bring these technology driven fuel economy measures forward. If the United States is not the leader, we can be assured that the Japanese will be.

Taking a step backwards and relaxing the CAFE standards sends the wrong signal to the American public and to the world.

Beginning next Monday, the United States will host the first meeting of Response Strategies Working Group of the Intergovernmental Panel on Climate Change. This working group has been charged with the responsibility of developing response strategies to mitigate the effects of global climate change.

Here is an opportunity for you and the Bush Administration to demonstrate your commitment to addressing the build-up of greenhouse gases in the atmosphere by tightening the CAFE standards. My understanding of the process is that once the proposal has been reviewed by the Department of Energy, it is acted on by the Department of Transportation. The Secretary of Transportation does not necessarily have to sign-off on the proposal. It can be signed by some one beneath the Secretary. Before your confirmation, I would like to know if you plan to personally review the proposal to relax the CAFE standards, and where you and the Bush Administration stand on this issue. Do you plan to continue the relaxation of the CAFE standards, return them to 27.5 mpg, or tighten them beyond their previous 27.5 mpg level? I look forward to hearing from you on this matter.

Sincerely,

Max Baucus

Max Baucus
United States Senator

U.S. Department of
Transportation
Office of the Secretary
of Transportation

400 Seventh St. S.W.
Washington, D.C. 20590

January 27, 1989

Honorable Max Baucus
United States Senate
Washington, DC 20510-6175

Dear Senator Baucus:

Thank you for your letter of January 26, concerning the decision that must be made shortly on Corporate Average Fuel Economy Standards (CAFE). I very much appreciate knowing of your concerns in this matter.

Please be assured that, if confirmed as Secretary of Transportation, it would be my intention to become involved in the decision-making process for the model year 1990 standards. I have been assured by Acting Secretary Mimi Dawson, that no decision will be made prior to my confirmation. I fully expect that this decision will be subject to a complete review by the Administration.

Sincerely yours,

Samuel K. Skinner
Secretary-Designate

(BREAUX)

SHREVEPORT TO KANSAS CITY HIGHWAY

Background:

Section 166 of the 1987 Federal Highway bill authorized a feasibility study of constructing a highway from Shreveport to Kansas City. We received the report in April of 1988. The report concluded the construction of the highway is technically feasible, however, it is not eligible for federal-aid funding.

Clarification:

My understanding is that the DOT transmittal indicated that the route is "eligible for federal-aid funding, such as the assistance being made available to the States each year by formula for federal-aid primary projects. I will look at it, however.

(BREAUX #1)

QUESTION 1: Has FHA looked at this project since completion of the report?

ANSWER:

My understanding is that FHWA has not looked at this project since completing the reports because decisions regarding the construction of this facility under the existing federal-aid highway program rest with the various States. The individual States must initiate action if they desire to construct individual projects on this facility with federal-aid funds. The individual States have in the past and continue to implement individual four-lane, limited access projects along this corridor.

(BREAUX #2)

QUESTION 2: What are your views about expanding the Interstate Highway System in the 1990's?

ANSWER:
As Secretary of Transportation, I will be overseeing development of a legislative proposal to reauthorize the highway program for FY 1992 and beyond. As part of that effort various alternatives for the future Federal-aid highway program should be examined. However, it is too soon to identify any specific programs that would be included in future proposals.

(BREAUX #3)

QUESTION 3: If you do support expansion of the program, would the Shreveport to Kansas City proposed four lane project be the type of project you would support for inclusion into the interstate system?

ANSWER:

My understanding is that, should the decision be made to expand the Interstate program, this facility could be a candidate for inclusion into the Interstate system, although it would have to compete with many others for funding.

(BREAUX #4)

QUESTION 4: What will be the process DOT will follow in preparing for the post-Interstate Program?

ANSWER:

My understanding is that departmental staff have initiated a long-range, multimodal national transportation strategic planning study to look at long-term transportation needs for all modes, and that the FHWA has also established a task force of senior level staff to examine future highway needs and various options for the Federal role in these future highway needs. I will look at the various proposals and make appropriate recommendations.

(BREAUX #5)

QUESTION 5: The President has announced a policy of "no net loss of wetlands." Construction of federal highways necessarily involves filling of wetlands. What will be the role of DOT/FHA in meeting the Administration's "no net loss" goal?

ANSWER:

I intend to work with other members of the Administration both to develop and implement such a policy.

(CHAFEE #1)

QUESTION 1: The Highway Beautification Act should be enforced at the Federal level. If it can't be enforced, it should be repealed so that each State has the ability to control billboards however they desire. How will you go about providing the resources to ensure that this Act is enforced as long as there is a Federal law.

ANSWER:

My understanding is that the Federal Highway Administration has sufficient resources to carry out the Federal responsibilities under the Highway Beautification Act, but I am willing to look further as the issue.

(CHAFEE #2)

QUESTION 2: The previous administration supported legislation that would return to the States the ability to use amortization or cash in compensating the removal of billboards. Will you continue to support returning this choice to the States?

ANSWER:

The matter of how an owner of a sign is to be compensated is only one of many issues in the Highway Beautification Program that raise a question concerning the proper State and Federal roles. The previous administration supported giving this choice to the States. I would also lean in that direction, but would obviously have to study the matter further before taking a final position.

(CHAFEE #3)

QUESTION 3: On November 13, Secretary Burnley responded in a letter to Congressman Howard that what constitues a taking is left to State law and therefore, the Houston ordinance is a reasonable regulation and not a taking under State law. Do you agree with Secretary Burnley's interpretation?

ANSWER:

I can't comment on the specific case. However, in general, I would say that the questions as to the reasonableness of local ordinances and what action constitutes a taking are most appropriately determined by State law.

(CHAFEE #4)

QUESTION 4: In the past the billboard industry has offered the Secretary of Transportation free billboard space across the country to promote certain initiatives such as seat belt usage and the anti-drunk driving campaign. Do you believe it is appropriate to accept such offers from an industry that the Department has certain responsibilities to regulate?

ANSWER:

I would have to review this matter completely before taking a position.

(CHAFEE #5)

QUESTION 5: Certain funds in the bridge program are available as discretionary funds for high cost bridges immediately in need of replacement. Congress has directed that bridges started with discretionary funds should have priority for these funds until they are finished. We have a bridge in Rhode Island, the Jamestown Bridge, that has been funded with bridge discretionary funds. Will you work with me and Rhode Island in moving this project to a timely completion with bridge discretionary funds.

ANSWER:

The U.S. Department of Transportation and the Federal Highway Administration will provide all possible assistance and support to Rhode Island to complete the Jamestown Bridge in a timely and cost-effective manner.

(CHAFEE #6)

QUESTION 6: Because Rhode Island traded in an Interstate segment, it is eligible for funding from the Intestate Transfer category. President Reagan's budget request has reduced funding in this category over the last number of years. What priority for funding do you believe this category should have?

ANSWER:

I have made no decision on funding priorities and would like to withhold judgment.

(CHAFEE #7)

QUESTION 7: Many important environmental laws such as NEPA, section 4(f), section 404 and the Endangered Species Act apply to the Federal-aid highway program. They have been passed to assure that when highways are built, as little damage is done to the environment as possible. How important do you believe these environmental safeguards are in the highway program?

ANSWER:

I will assure that FHWA has a high regard for environmental safeguards and that decisions on highway projects continue to focus, as the law directs, on minimizing harm to the Nation's resources.

(CHAFEE #8)

QUESTION 8: The President's Commission on the Outdoors recommended that a Federal Scenic Byways system be designated. Some people will view this as an economic development opportunity to attract more tourists and businesses. My concern is one of conservation of natural resources. If a scenic highway program is established at the Federal level, how can we assure that our natural resources and scenic vistas will be preserved.

ANSWER:

My understanding is that the Commission Report stressed the point that Scenic Byways programs could and should be encouraged and established at many levels of government including Federal, State, local, as well as private, and that the National Forest Service has already established a Scenic Byways program wherein it has designated appropriate sections of highway within and adjacent to the national forests. The criteria used for designation must assure that natural resources and scenic vistas will be preserved.

I assure that I will look into this at the earliest possible moment.

(CHAFEE #9)

QUESTION 9: Last year I co-sponsored legislation which encourages the conversion of abandoned railroad rights-of-way to recreational trails and linear parks. Last October this legislation was signed into law by President Reagan as the "National Trails System Improvements Act of 1988." Currently, only about 2 percent of abandoned rights-of-ways are being preserved. As Secretary of Transportation, will you do all you can to encourage the preservation of these areas for public use and support programs which foster such preservation efforts?

ANSWER:

I will look at implementation issues shortly.

(CHAFEE #10)

QUESTION 10: Rails-to Trails projects, which preserve abandoned rail corridors for future rail use, can presently be funded under the Bicycle Facilities program if they serve a transportation purpose. It seems to me that any project that preserves our rail corridor system as trail serves the important transportation purpose of rail corridor preservation. Is that also your view?

ANSWER:

Here again, I would want to immerse myself completely in this issue before taking a public position. In general, however, I am a supporter of the Rails-to-Trails concept.

(CHAFEE #11)

QUESTION 11: Will Mr. Skinner expeditiously appoint the members of the Fishing Vessel Safety Advisory Committee (composed of safety experts and commercial fisherman-many from Rhode Island have applied)? Will partisan affiliation be a consideration in appointing the members of this committee, or will he chose the most qualified and representative candidates, regardless of political affiliation?

ANSWER:

The Commercial Fishing Industry Vessel Safety Act of 1988 requires the Secretary of Transportation to appoint seventeen members of the new Advisory Committee. The first nine members have been appointed and, if confirmed, I intend to move quickly to fill the remaining slots. In selecting the remaining members of the Advisory Committee, I intend to carefully evaluate the backgrounds and qualifications of the nominees and will choose those I feel are best qualified for the job.

(SIMPSON #1)

QUESTION 1: Included in the FY 1988 DOT Appropriations bill was a provision which allows Wyoming to continue a demonstration project for the investigation and study of vehicle combinations pursuant to the formulas set out in Title 23 U.S. Code, Section 127, formula B. This demonstration project was originally adopted as a provision to the Senate report on the FY 1986 DOT Appropriations bill. It allows Wyoming to permit vehicles with a gross weight in excess of 80,000 pounds to travel on the interstates. Without this demonstration project, Wyoming is bound by the gross vehicle weight limit on its interstates of 80,000 pounds since Wyoming does not qualify for the "grandfather rights" that are granted in the 1956 Federal Aid Highway Act. It is critical to note that in four of the six states that surround Wyoming, such a weight restriction is not imposed. Wyoming can ill-afford to return to the "island status" with which we started in 1985.

This demonstration project has met with much success in Wyoming in both the business sense and the public sense. It has proven to be a tremendous economic shot in the arm, particularly in terms of job creation. This provision will expire on October 1, 1991. I would like reassurance from you that you will remember the importance of this project to my state and that you will look favorably upon the continuation of the project when we readdress it in 1991.

ANSWER:

Section 335 of the 1988 DOT Appropriations Act extended the term of the demonstration project through September 30, 1991 and directed the Secretary of Transportation to report to Congress, by September 30, 1990, on the demonstration's "productivity and economic benefits, the safety performance, and the effect of such vehicles on the condition of the highways over which they were operated."

Section 158 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 calls for the Transportation Research Board of the National Academy of Sciences to conduct a Motor Vehicle Study for which $1 million has been authorized for appropriation in FYs 1987 and 1988. One of the two committees which have been formed to conduct the study will deal with truck weight issues, particularly the federal bridge formula and grandfather exemptions to federal weight limits. The final report on this study is due by March 1990.

Since these analysis have not been completed, it would be premature for me to make a judgment on the further continuation of the Wyoming demonstration at this time.

SYMMS #1

QUESTION 1: Would you agree that the speed limit certification process should be replaced with the State's assurance that they are enforcing all their speed limits and that the sanction of losing highway funds should be eliminated?

ANSWER:

The inclination of this Administration is to allow the States more, not less, regulatory authority. I have not yet had the opportunity to review the relevant data on the speed limit. I plan to give the matter close attention if I am confirmed as Secretary.

SYMMS #2

QUESTION 2: The Department of Transportation Research and Special Program Administration has proposed to amend the Hazardous Materials Regulations to reclassify anhydrous ammonia (currently a "hazardous material") as a "poisonous gas". Farmers have been applying anhydrous ammonia to crops for many years and have long ago implemented safety procedures for handling this product. The majority of the agricultural community feels that reclassification would accomplish nothing but harm U.S. farm products in overseas markets where foods treated with "poisonous chemicals" are prohibited. The Office of Transportation in the U.S. Department of Agriculture has reviewed the reclassification proposal and "strongly opposes" it at this time.

Considering President Bush's strong commitment to restoring the competitiveness of American agriculture, would you favor proceeding with this reclassification?

ANSWER

The Department's decision on whether or not to proceed with reclassification will be based on a thorough review of the substantive record. That record is not yet complete. I can assure you that any action the Department takes will consider the economic and competitive burdens on the American farmer as well as the impact on safety.

WARNER #1

QUESTION 1: Mr. Skinner, on the subject of the Federal excise tax on gasoline, I would be interested to know your thoughts on the idea that raising the gas tax would discourage consumption of gasoline, thereby reducing the amount of monies which both the Federal Treasury and the States currently collect at the pump.

Whether new taxes on gasoline were dedicated for deficit reduction or for transportation, would not the existing taxes dedicated for transportation be reduced? How would those reductions be distributed? And would the Administration continue to hew to a deficit-neutral highway program, spending as much as is received annually, albeit a lesser amount since lower consumption would lessen the amount of annual receipts into the Highway Trust Fund?

ANSWER:

To the extent that raising the Federal tax on gasoline would increase gasoline prices, it should have some impact on gasoline consumption. That, in turn, would reduce somewhat the net Federal revenue from the combined existing and new gas tax and could also reduce State gas tax revenues somewhat. The magnitude of revenue loss would depend on the size of the increase. The President has indicated his opposition to an increase in the gas tax to fund deficit reduction, and I am in full agreement with him.

WARNER #2

QUESTION 2: Mr. Skinner, I must admit to a good bit of mystification in my efforts to understand the manner in which the Federal Highway Administration actually comes up with some of its allocations, apportionments and obligation numbers. And I have met other members of Congress and State Government who profess similar sentiments.

I would find it very helpful to know -- either from you today or in writing once you have taken the helm at DOT -- exactly how some of these figures are arrived at.

So, Mr. Chairman, I would ask unanimous consent that I be able to put questions to the Secretary in writing dealing with the manner in which some of these accounts are funded.

ANSWER:

Admittedly the distribution of Federal-aid highway funds is quite complex. I will see that the FHWA provides you with a summary of specific program distributions and the basis on which allocations were made.

HUMPHREY #1

QUESTION 1: The Chairman of the House Ways and Means Committee -- Representative Dan Rostenkowski among others-- has suggested that the current federal gasoline tax be raised by as much as 15 cents to provide a source of funding to eliminate the deficit, and provide a greater incentive for conservation. Will you reject a gasoline tax of any size?

ANSWER:

I oppose any increase in the Federal gasoline tax for deficit reduction.

HUMPHREY #2

QUESTION 2: Currently, there is a $8.7 billion surplus in the federal aid highway fund, and a $6.8 billion surplus in the aviation trust fund. What efforts will you take to ensure that this funding can be spent for the purposes for which it was collected, promptly?

ANSWER:

With respect to the Highway Account of the Highway Trust Fund, there was a cash balance at the end of fiscal year (FY) 1988 of about $9 billion, but it is important to note that this balance is not a "surplus" since commitments against the cash balance totaled over $30 billion. That is, commitments that have already been made by the Federal government exceed the cash available in the Highway Account by more than $20 billion. The Trust Fund does not go broke because the bills that follow from new commitments come in over a period of several years. But fiscal prudence dictates that some limit be established on how overextended the Highway Account will be allowed to get. Congress has established a two-year limit, i.e., outstanding commitments may not exceed the cash balance plus the projected income from the current year and the subsequent two years. The Highway Account is not far from that limit today.

There is a surplus in the Airport and Airway Trust Fund, estimated at $5.8 billion at the end of the last fiscal year. Much of this surplus is attributable to differences between Administration requests and Congressional authorizations, on the one hand, and Congressional appropriations, on the other. As I indicated, this is a very complex issue, but I am committed to working to ensure that fees that aviation users are paying into the Trust Fund are used to fund critical aviation needs.

HUMPHREY #3

QUESTION 3: How should the Federal Highway Administration balance the need for highway improvements against wetlands degradation?

ANSWER:

My view is that the FHWA can balance competing interests by assuring that all appropriate interests, both public and private, are consulted and that a recognized assessment methodology is followed.

HUMPHREY #4

QUESTION 4: The interstate system will be completed by 1992. In that year, Congress must pass another surface transportation reauthorization. What are the most important highway priorities following the completion of the interstate system?

ANSWER:

As Secretary of Transportation, I will direct the development of a national transportation policy which will include all modes and the involvement of all the modal administration. I also will be overseeing development of a proposal in which we will be providing the Congress our perspective of the highway program in the future. Within that context, the DOT, working with the Congress, the States, and affected interest groups, will define a future national highway program. We will look at transportation needs, both rural and urban, and will devise initiatives to respond to those needs. This effort also will examine the appropriate level of Federal involvement and funding. However, until that process is well underway, I cannot identify a specific program or highway system.

HUMPHREY #5

QUESTION 5: Two years ago, the Congress wisely agreed to allow states to increase the speed limits on rural interstate highways to 65 MPH. This was largely based on the well founded notion that states are better able to determine appropriate safety laws than we are sitting in Washington. Would you agree with this general concept?

ANSWER:

I agree with the law which allowed States to increase speed limits on rural Interstate Highways to 65 MPH and the general concept that the States are better able to determine appropriate speed limits than the Federal Government. The States have the accumulated highway data, resources, and the responsibility to provide the safest highway environment for their citizens. I have great confidence in the ability of the States to exercise this responsibility with the utmost regard for public safety. I am aware that the first of three annual reports on the effect of the increased speed limits on rural interstates has just been released. I plan to carefully study this report and future reports. Nevertheless, as Secretary of DOT, I will be vitally concerned about safety and enforcement, and intend to keep a close eye on State results.

HUMPHREY #6

QUESTION 6: Recently, Mimi Dawson, the Secretary of DOT, accepted a recommendation from the Federal Aviation Administration Law Judge Burton Kolko, to reject a landing fee proposal which had been implemented at Logan Airport. As you know, this fee structure had dramatically increased the landing fees for general aviation aircraft, and had lowered fees for large commercial aircraft. In her decision, Ms. Dawson described the Massport Landing Fee structure as unfairly discriminatory and preemption of Federal law. Do you see any reason to change this policy?

ANSWER:

I have not had a chance to focus on the specific details of the Department's decision. I do think that the question of fees assessed by airports is a matter that must be taken up in addressing our critical airport capacity issues. I will give this matter my serious attention, if confirmed.

HUMPHREY #7

QUESTION 7: The Secretary of Defense recently approved the recommendations submitted by the Commission on base closure and realignment, targeting 86 military bases for closure. Among the facilities included were 5 Air Force bases. Could you please tell me how the Department of Transportation plans to become involved in developing the potential civilian uses of those bases? In particular, do you believe that the airline trust fund could be used to assist in converting these bases into civilian airports?

ANSWER:

This is an issue I will be looking at closely, including whether the Airline Trust Fund could be used in this manner.

HUMPHREY #8

QUESTION 8: Since President Reagan's firing of striking air traffic controllers in 1981, the air traffic control system has undergone significant changes. As you know, both Secretary Dole and Secretary Burnley put great emphasis on eliminating the air traffic controllers staffing shortage. Do you foresee a need for continued increases in staffing?

If so, will you like your predecessors, reject the notion of rehiring those controllers who had been fired in 1981?

ANSWER:

I will place emphasis on assuring that our air traffic control system is fully staffed. Rehiring the controllers who were fired in 1981 is not currently under consideration.

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